

FROM CAIN  
TO CAPONE

From the collection of the

o P z n m  
v e i n g e r a  
b t p Library

San Francisco, California  
2008

For my friend  
Jaydee,

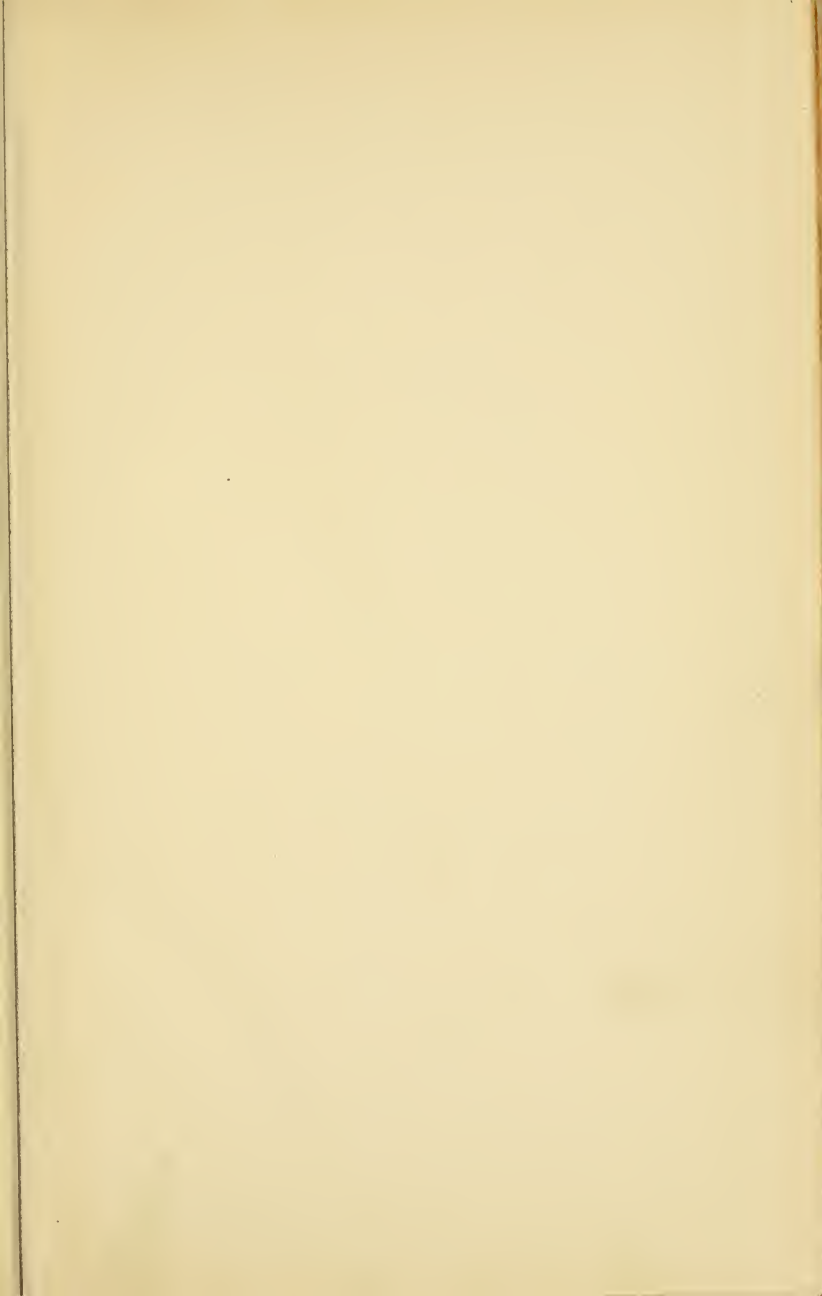
who ~~was~~ wouldn't know  
about rackets,

with warm regard from,  
Mac.

(alias John McLoughly, the  
distinguished man of let-  
ters.)

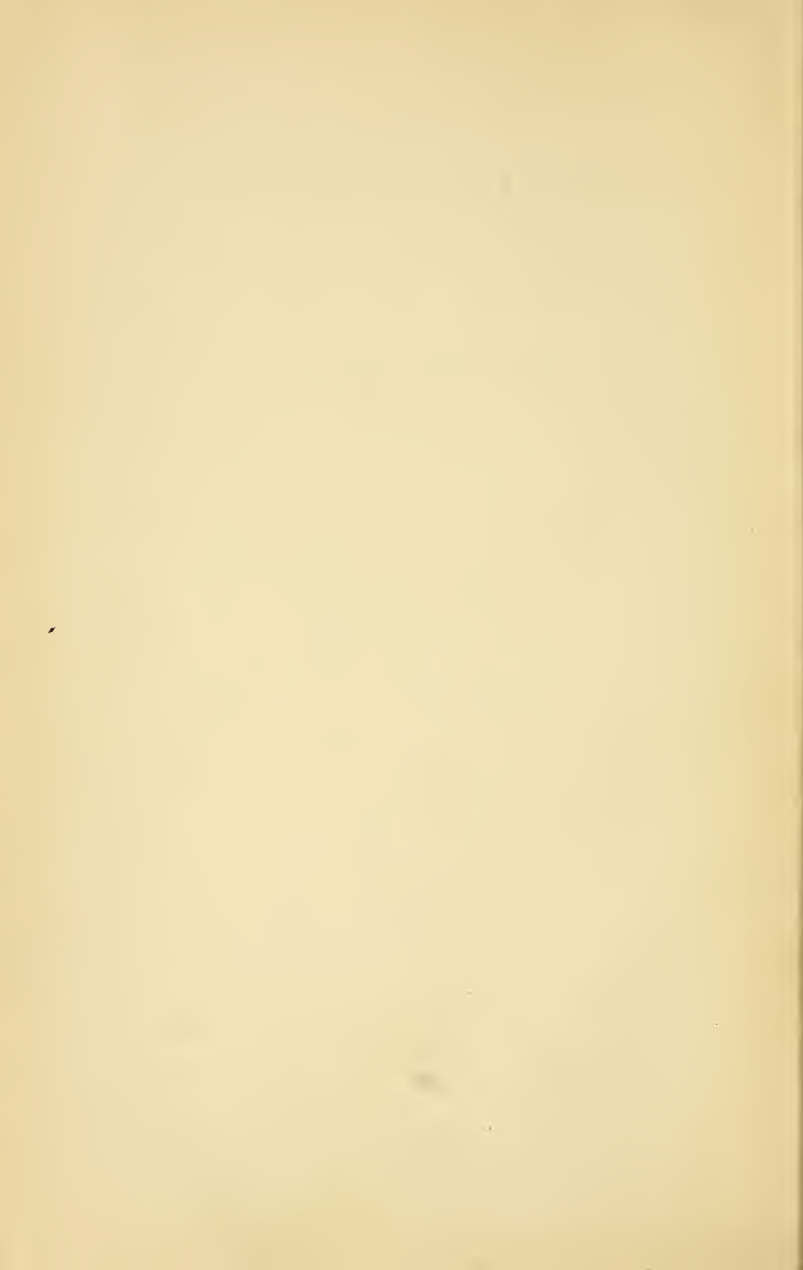








From Cain to Capone



# FROM CAIN TO CAPONE

Racketeering Down the Ages

By JOHN McCONAUGHY

Oft hath the bad man been the city's bane  
And scourged his sinless brethren for his sin.

HESIOD (about 750 B.C.)



Publishers  
BRENTANO'S  
New York

Copyright 1931 by Brentano's, Inc.  
Manufactured in the United States of  
America by The Plimpton Press, Nor-  
wood, Massachusetts

To  
Martha and Ron  
for incitement to crime





## A Note of Explanation

TO avoid at least one kind of misunderstanding between writer and reader, it is always well to eliminate the possibility of argument over definitions. "Racketeering" is a new word and it is sometimes loosely used to describe all sorts of graft and crime. More strictly, racketeering is the extortion of money by threat or pressure — legal or illegal, implicit or explicit, direct or indirect. It is this definition which has been generally, but not always rigidly adhered to in the following pages.

There are also a number of references to labor. When the word "labor" is used, the writer intends it to be understood that he means *labor*. It is necessary to emphasize this point because, in the past thirty years or so, there has been an inordinate amount of talk about the "terrible labor" of executive and other supervisory or partly creative occupations; and how the man with the dinner-pail is to be envied, and so on. Although these employments may often be mentally and even physically exhausting, they are not only in themselves pleasurable activities, but they also carry with them rewards of all kinds incomparably greater than the returns for breaking a macadamized road-bed to lay a gas-pipe. So the word "labor" is used strictly to describe that uninspired and uninspiring toil of pick-axe and plow and machine which is the lot of the great mass of men.

A word more. It is this writer's inclement chore to deal only with one plainly visible aspect of the history

of men and nations. He must ignore, or but mention in passing, those few great figures of the past who seemed to be men, and yet to possess the exalted courage and the flaming virtue of a higher and an unknown race —

*“ Lonely antagonists of destiny,  
That went down scornful before many spears,  
Who soon as we are born, are straight our friends.”*

These have no place in a book on racketeering. They are the salt of the earth, of which it is not worthy.

J. McC.

## Contents

I. The Genesis of Racketeering, and Vice Versa	3
II. The Grafting That Was Greece —	20
III. — And the Racketeers of Rome	57
IV. Barons, Bishops, and Other Robbers	95
V. Short Weights and Long Rackets	122
VI. Gunmen of the Renaissance	140
VII. A Philosopher and Some Other Crooks	165
VIII. A Man Who Stopped at Nothing	193
IX. Interlude — From a Civil War to a World War	212
X. "What We Need Is a Mussolini!"	229
XI. Laws For Ornament Only	256
XII. Who Will Watch the Watchmen?	272
XIII. A Business or a Racket?	295
XIV. Repudiation of Reformers	314
Acknowledgments	337



From Cain to Capone



The Genesis of Racketeering,  
and Vice Versa

RACKETEERING is one of the most ancient of human institutions. It is at least as old as any organized society of which we have historical records. Indeed, many observers of mankind are convinced that the custom antedates even organized society. Kipling, for instance, says that "the first of all his race . . .

*"Stole the steadiest canoe,  
Ate the quarry others slew,  
Died — and took the finest grave."*

It is quite likely; for racketeering is based on one of the oldest and sincerest convictions of mankind — the conviction that labor is a curse; in the modern phrase, "Only saps work." This outlook on life, which goes back to the dawn of the race, and is backed by divine authority in the Old Testament, was indirectly responsible for the first murder, as it will probably be responsible for the last. It was when Cain saw himself as a "sap" that he slew his brother, left the farm, and went away and got married. There is no record of his having done any more hard work.

The immeasurable influence of this ancient legend in the traditions and organizations of Western society makes it the natural starting point in any discussion of racketeering, which has been one of the most conspicuous manifestations of our successive civilizations. It is the

clue to a fundamental confusion of thought and precept, which is at the heart of our trouble. For centuries religionists have taught that labor is a curse, divinely inflicted on man. Latterly, especially since the passing of chattel-slavery, there has been an organized effort to establish the idea that, while labor *is* a curse, it is also a blessing. The two ideas will not work in double-harness.

[Digression in illustration: There is one moment near the end of *David Copperfield*, where it is possible to feel a little twinge of sympathy for Uriah Heep. David, it will be remembered, was by this time in a highly prosperous and oncoming position, due largely to the money and strong character of a loving aunt. So he delivers himself of the following priggish and wholly inaccurate remarks:

“It may be profitable to you to reflect, in future, that there never were greed and cunning in the world yet, that did not do too much and overreach themselves. It is as certain as death.”

To which Uriah replies, “with a sneer”:

“Or as certain as they used to teach at school (the same school where I picked up so much ‘umbleness) from nine o’clock to eleven that labour was a curse; and from eleven o’clock to one that it was a blessing and a cheerfulness and a dignity and I don’t know what all, eh? . . . You preach about as consistent as they did. Won’t ‘umbleness go down? I shouldn’t have got round my gentleman fellow-partner without it, I think.”

In order to get their own money back, David and his aunt compounded a felony, allowed Uriah to walk off with considerable loot, and set him free to prey on society as before. This method of dealing with a success-



ful crook is by no means unique. It is one of the reasons why David's little speech is so far from the facts.]

Up to the present time man, as an individual, has rather generally accepted the curse dogma. Being a reasoning creature, he has therefore always aimed to live without labor, or by doing as little actual labor as possible. No one is to be blamed for wanting to avoid a curse. But man has also wanted to live. And this desire has forced him to live, whenever possible, at the expense of the labor of other men. These other men — "the saps" — have not infrequently objected. Also, he has inevitably come into conflict with other and equally determined curse-dodgers. Thus, in order to accomplish his purpose of living without labor, he has been driven to seek out "many inventions." These have more commonly taken the form of robbery, swindling, extortion (legal or illegal,) slavery, and murder (retail or wholesale.) He has sown the world with iniquity and drenched it with blood. He is still doing it.

The story of the killing of Abel has, so far as this writer knows, never been seriously studied from this viewpoint. It begins, of course, with Jehovah's curse on Adam and his descendants. That Adam and Eve deserved all they got there is no reasonable doubt — for their unbelievable stupidity, if for nothing else. If an all-wise and hitherto beneficent God grants a freehold in Paradise, it is certainly none of the recipient's business to question the terms of the deed, no matter how trivial and fantastic they may seem. But it was in the application of this curse that things began early to go wrong.

In the first place, Cain was made "a tiller of the soil" and his younger brother "a keeper of sheep." It was not

a fair division of labor. Cain, as the first "dirt farmer," got the worst of it, as dirt farmers have been getting the worst of it down to the present day. It is a mistake to call them, loosely, both farmers.

[Note: By a system of "log-rolling" in Congress, between representatives of the wool-growers in the West and of the woolen goods manufacturers of New England, the tariff wall has been raised so high since the Civil War that the wool-growing farmers are among the most highly protected groups in the United States. Nothing at all comparable to this indirect subsidy has ever been arranged for the wheat farmers.]

"Dirt farming" is bitter hard work and in accordance with Jehovah's promise that the ground will yield mostly "thorns and thistles" it is likely to be unprofitable. Cain was trying to cultivate virgin soil — with a curse on it. His plow must have been a very primitive arrangement (if he had any at all) and he probably had to push it himself, without horse- or ox-power. Any one who has tried to guide even a somewhat dull modern plow through soil long under cultivation can form a very good idea of how hard Cain had to work. No one but a poet has ever heard a plowman whistling. On the contrary, we owe to dirt farmers some of our most vigorous and convincing profanity.

Shepherds, on the other hand, have always lived a comparatively beautiful existence. They have dreamed dreams, played pipes and sung songs, while they watched their flocks in a more or less casual way. They have become leaders and poets, and have generally enjoyed the earth and the fullness thereof. Pictures have been painted of shepherds and nymphs, but none of plowmen and nymphs. Moses did some sheep herding

in his early days; and David, the immortal author of the Psalms, who practically sang his way to a throne, has been called "The Shepherd King." Paris, the son of Priam, tending his father's flocks, was chosen by three goddesses to be sole judge in the world's first beauty contest. He was rewarded with the world's most beautiful woman. The goddesses no doubt chose him because shepherds have always had time to contemplate the beauty of the world. Plowmen have always been too busy. So it has gone, down to recent times, when a good Scots poet was known as "The Ettrick Shepherd."

At the end of the first farm season in the working lives of the two brothers there was a sort of agricultural fair, with Jehovah acting as judge. "Cain brought of the fruit of the ground an offering unto the Lord." He brought, of course, the best of the first crops he had raised; and he could bring nothing else, for raising crops was his sole work.

"And Abel, he also brought of the firstlings of his flock and of the fat thereof."

Abel naturally brought to the Lord the best of his lambs and the fattest of his sheep.

There is no intimation that Cain had not done his best to raise good crops — while his brother was restfully watching his flocks wax fat and reproduce on virgin pasturage. But what was the result?

"The Lord had respect unto Abel and his offering:

"But unto Cain and his offering he had not respect. And Cain was very wroth. . . ."

Of course he was. Jehovah rebuked him because "his countenance fell," and said:

"If thou doest well, shalt thou not be accepted? "

Cain does not seem to have taken either the rebuke or

the promise with good grace, which is scarcely a matter for wonder. His crops, such as they were, were the best fruit of a year's work. Even if they were not up to some mysterious standard of which he could have known nothing, he deserved credit for the effort. Certainly he had worked much harder than Abel, and Abel was praised.

There is more than injustice here. According to the curse of Jehovah, man was condemned to "eat the herbs of the field." In the next verse Adam is told: "In the sweat of thy face shalt thou eat bread." If these two parts of the curse, taken together, mean anything, they mean that Jehovah intended that man should undergo the hard work of raising grain for bread, or starve. Cain had undergone this labor without rebellion or evasion. Nothing was said about how pleased Jehovah would be if one of the boys gathered some sheep together and watched them browse, and then offered Him the pick of the flock. And if Abel did any real sweating, it was not while he was herding sheep.

Jehovah's attitude in this matter may not be a direct encouragement to avoid hard labor, but it is certainly difficult to escape giving the story that interpretation.

The next verse records that "Cain talked with Abel." This is one of the many lamentable examples of bad reporting in the Old Testament. Here was one of the most important conversations in the history of mankind, and not one word of it is given — only "Cain talked with Abel." But the phrasing is significant. Cain seems to have done most of the talking; and if he was at all like the farmers down in Southern Illinois, when they let go under similar circumstances at the County Fair, he spoke some words.

What Abel said, if anything, is equally unknown. He may merely have grinned triumphantly. That would have been almost enough. But what he did say must have been exasperatingly taunting, because Cain suddenly picked up a stone and cracked his skull with it. Only under extreme provocation does a man make a murderous assault on his brother. As William Lyon Phelps said, Cain "was simply very human."

All these things considered, it would seem unfair to call this a murder. Any jury of dirt farmers would return a verdict of justifiable homicide without leaving the box. And even good citizens generally, under our laws, could not make it anything worse than manslaughter. There is no presumption of premeditation.

At any rate, Cain gave up hard work after that. And Jehovah grew more kindly disposed toward him and toward his descendants, who were mighty men. Cain went into the land of Nod and appears to have become a building contractor and landlord. Anyway, he built a city. These activities offer many opportunities for racketeering.

But, on the whole, there is not a great deal of evidence in the Old Testament of racketeering in the strictly modern sense, because society in those days was somewhat differently organized. Nevertheless, all of the mental processes and much of the mechanical method of the modern racketeer — the contempt for human life, the contempt for law (until a racketeer is strong enough to make his law the law of the land,) the trickery, the cunning, the lust for easy money, and for the power to gratify all the other lusts which money confers — these are all in the oldest history of our race, as they are in yesterday's newspaper.

And, curiously enough, one of the bizarre and highly profitable bloodless rackets of our times was one of the first that attracted Jehovah's attention. He forbade his chosen people to have anything to do with fortune-tellers, under pain of death. Astrologers, mediums, and similar seers are making large fortunes today, and the racket is growing amazingly. At least ninety percent of their patrons are concerned only with the chances for making money — without labor, of course. Their gullibility has inevitably tempted consciously crooked "mediums" into swindling them, and there are almost daily instances of losses of money through following the advice of the "departed." (A famous New York theatrical producer never brings out a new play without consulting the stars through a well-known astrologer. Many who saw his last production think that he should get a new astrologer or some new stars — perhaps both. The play closed in a few weeks.)

After the slaying of Abel, killing seems to have become as casual a matter as it is in our big cities today. A few generations later Lamech came home one night and informed his two wives that he had just killed a young man. Apparently it was a case of mistaken identity, because Lamech appears to have been a little upset about it. No one else paid the slightest attention to the incident. If his wives made any comment, it could not have been anything more vital than, "Oh, is that so? Too bad. Did you get those bracelets you promised us?" There is no record of their having said anything at all. Jehovah did not brand Lamech or slay him, or curse his descendants, or notice the matter in any way. On the contrary, He allowed him to live nearly seven hundred years; and He chose Noah, the son of this

killer, to breed a new race after the Deluge. It was, of course, and is a race of killers. And the reason that Jehovah gave for the Flood was that "the earth is filled with violence"! If the idea of the Deluge was to put an end to violence, it was an awful waste of water. Jehovah seems to have thought so, too, because he told Noah, after the Flood, that he would never try that method again. (The water level of Lake Michigan at Chicago is perceptibly lower than it was ten years ago.)

Jacob, with the help of his mother Rebecca, became one of the most unscrupulous and tireless grafters in all history. Like many modern racketeers, he believed in staying within the letter of the law and, whenever possible, working the law as a racket. He deftly swindled his brother, Esau, out of the latter's share in their father's estate; and then, even more deftly, he hoodwinked his blind old father into ratifying the swindle. His father-in-law, Laban, who was also remarkably endowed with dishonesty, managed to get the better of him on one occasion by making him drunk, but Jacob finally emerged with the loot of Laban's herds. He closely resembled nearly all racketeers of this type in that he was a coward.

But it is important to record that, although Jacob was a crook and a coward, he became the head and founder of a great people. All down the ages to the present day, racketeers have been rising to places of power and respect.

In the conduct of Moses there is an early application of the doctrine, so popular today, that "it's all right if you can get away with it." When Pharaoh at last told Moses that he could take his people out of Egypt and out of slavery, they departed — but not empty-handed.



Whatever supplies in the way of food and drink they may have carried off, they certainly had a moral, if not a legal, right to take. But they did not stop there. They stole the jewelry and fine raiment of the ladies of Egypt. It seems to have been quite a general folk-movement among the Children of Israel, before they set out across the desert, tricked out in these useless gew-gaws. There must have been a record-breaking disturbance when the loss was discovered. It was as if the ladies of Long Island and Westchester and Western Connecticut were to awake some morning to find that all their servants had started, en masse, for Canada with their finest jewels and best gowns. Of course, the Children were pursued with a great pursuit.

It is impossible to suppose that Moses did not know about this wholesale "inside job." It is equally certain that he made no protest. According to his "law" it was all right to rob the Egyptians — "if they could get away with it." (Some Egyptians argue that this "law" has never been repealed. Lately they have been made to pay for dams and canals which they never asked for; and there has also been considerable grave-robbing which they do not like.)

Moses evidently expected the Egyptians to pursue the Israelites; for he did not take the direct route toward the Sinai peninsula, but led his people south-east toward the Red Sea.

The miracle which occurred at the Red Sea is not necessarily presumptive evidence that Jehovah approved of this theft. He probably remembered that the Children of Israel had been more than four hundred years in slavery and made allowance for early moral lapses at the first taste of freedom.

Moses should have known better, but he did not. He



never saw even the true meaning of that bitterly ironic lesson which God gave him at the foot of Sinai. When he came down from the mountain with the sacred tablets (one of which bore the commandment: "Thou shalt not steal") he found that his people had melted down these stolen ornaments and had cast a golden calf. They had put this calf on an altar and were worshipping away as joyously as people usually do when they have just discovered a new and comfortable sort of religion. Moses was angry enough to break the tablets and make the Children eat the golden calf, but he could not erase the worship of easily gotten gold from their hearts. That is one religion which the masses of men of all creeds have followed with unwavering and passionate devotion. "Where your treasure is, there will your heart be also."

Joshua, who succeeded Moses in command, had a liking for treasure — "for the house of the Lord." (Jehovah expressly told Moses that He was not interested in tribute of gold and silver, and Joshua seems to have been present at the time.) He also established one of the inexorable laws of modern gangster racketeering — death for a "double-crosser." One of his men, Achan, held out for his own uses some of the loot of the sack of Jericho. Joshua persuaded him to confess and disgorge, and then had him and his whole family publicly stoned and burned to death. Incidentally, the destruction of Jericho brings in for the first time one of the various uses of prostitutes in racketeering. A harlot in Jericho evidently fell in love with one of Joshua's spies. A prostitute in love will stop at nothing for the man she loves. Rahab betrayed her own people to fire and sword.

The sons of Eli originated the idea of working the

Church as a racket, albeit their methods were more direct than those generally favored today. Their father was an honest and pious old priest but, as has so often happened with ministers' sons in our time, the boys did not take after their father. They practised extortion on those "who came to sacrifice," and they found the church a convenient place for making assignments — "they lay with the women that assembled at the door of the tabernacle of the congregation." A respected and highly successful American citizen tells in his own autobiography how he joined Henry Ward Beecher's church and used it to get his real start in life. Almost every one has heard older men sometimes advise younger ones to "join a good church and attend service regularly." Diplomatically handled, a church is an excellent springboard for landing among the feather-beds of a hard world.

Abimelech invented the use of hired gunmen for the purposes of murder. He was an illegitimate son of Gideon. He resembled his father in wanting to get all he could out of everything that came his way; but his was a much more vigorous courage than his father's, and he had no conscience at all. He is one of at least two characters in the Old Testament of whom it may be definitely said that they would have been among the greatest of the racketeers of New York or Chicago today.

According to the Book of Judges, Gideon had seventy legitimate sons and only one illegitimate. (It is almost impossible not to doubt this. As the elder *Mr. Weller* said of his grog, "It ain't ekal.") At any rate, Abimelech is the only illegitimate of whom there is any record. And, like William of Normandy, John of

Austria, Maurice de Saxe, and many other men of "doubtful birth," Abimelech was undeniably what would be called in gangland today "a tough baby."

His mother was a maid-servant who lived in Shechem. When Gideon died, Abimelech went to Shechem, gathered all his mother's relatives together, and made them quite a clever speech. He asked what kind of life it would be if they had seventy rulers instead of one — he being the "one" of course — and added, "Remember also that I am your bone and your flesh."

His mother's clan were quick to see the opportunities for all sorts of rackets, if their boy ruled in Israel. They subscribed seventy pieces of silver, so that Abimelech could hire gunmen to dispose of the legitimate sons of Gideon. With this money Abimelech "hired vain and light persons, which followed him." The old chronicler went wrong here. Professional killers are sometimes vain but never light. If they are light, their days are not long in the land. Killing is a serious business, even — or perhaps especially — for professionals. Once a light person came from Philadelphia to Chicago to do a killing for Dion O'Bannion. O'Bannion had to do his own killing and then kill the light person as well.

Abimelech and his gunmen slaughtered all seventy of the brothers with the exception of Jotham, the youngest. One piece of silver per head may seem to be a small price for the butchery of princes but money was worth much more in those days. In our big cities the removal of even a fairly inconspicuous citizen cannot be arranged for less than several hundred dollars.

Jotham escaped and went to Shechem where he, too, made a speech, which the men of Shechem construed as

meaning that they were not getting all they should get from Abimelech in consideration of what they had done for him. So they began racketeering on their own. They made travellers pay heavily for the privilege of using the high-road near their town (a racket highly popular all through the ages) and they defied Abimelech and planned to "get" him. But Abimelech was a born leader of gunmen. When he had finished with the Shechem gang there was not only no trace of the gang, but no trace of their town. He finally died with his boots on, as brave racketeers usually die.

The other born gang leader of the Old Testament was Joab, David's chief killer. His brother, Abishai, seems to have done his best, also. Historically, we owe to David the device of getting rid of inconvenient persons by "putting them on the spot"; but it looks much more like Joab's technique. In the civil war which followed David's accession to the throne of Judah, Joab agreed to a truce with Abner, the rival general. He invited Abner to a conference and treacherously killed him. The youngest of these three sons of Zeruiah, Asahel, had been killed by Abner in a fight that was even more than fair on Abner's side; but this circumstance does not seem to have weighed with the two older brothers. In this respect they resembled the notorious Genna brothers of Chicago, who apparently went insane with blood-lust when the youngest was killed.

There is every reason to believe that David was deeply shocked by the murder of Abner, but he did not hesitate to make use of the same device when the necessity arose for removing Uriah. This story is so familiar it need not be told in detail. David seduced Bathsheba, Uriah's wife, and when the husband returned on leave

from the army Bathsheba knew that she was pregnant. The king tried to trick Uriah into a position where he could not deny the fatherhood of Bathsheba's impending child; but Uriah could not be tricked. David then ordered him back to the front. He also sent word to Joab to see that Uriah was "put on the spot." Uriah never came home again.

There is an ominous note in David's relations with Joab and his brother. "These sons of Zeruiah be too hard for me," he said, after the murder of Abner. They were. David was a lion on the field of battle, but he was horribly afraid of this pair of soulless killers. Joab was the real boss of the country, a situation which occurs again and again in succeeding centuries. Why he did not kill David and take the throne himself is not clear. David's undoubted popularity may have been one of the reasons; and it is probable that, like most men who lust for real power, Joab cared nothing for the window-dressing.

David had to let Joab do pretty much as he pleased. He gave anxious and positive orders that under no circumstances was Absalom to be killed in the battle which ended that young man's rebellion against his father. Joab killed the handsome young prince without compunction. He then subjected David to a contemptuous and humiliating speech for grieving over the death of his son. This was too much. David decided to assert himself. He gave orders removing Joab and putting Amasa in his place. Smiling pleasantly, as if he thought the elevation of Amasa a happy arrangement, Joab walked up to his successor and stabbed him dead before that unfortunate had a chance to defend himself. This was David's last attempt to be boss. Joab continued to

be chief killer until after David's death, when it developed that the Shepherd King had bequeathed to his son Solomon the job of getting rid of the old butcher. Joab was getting along in years by this time, and an upcoming killer, named Benaiah, settled him at Solomon's command.

Although he is credited with having invented the device of "putting them on the spot," there was nothing of the racketeer about David. The murder of Uriah was ordered in one of those moments of that abject panic which attacks an essentially noble man when he has done something even more horrifying to himself than to others. David's repentance was almost more terrible than his crime. He was a generous and fearless warrior, a statesman who tried to govern with kindly justice, a poet almost without peer. But for the faithful record of his faults he would be a two-dimensional abstraction, more so than the Washington of our school days. In his crimes he is our kinsman.

The theft of Naboth's vineyard is the first instance of the misuse of patriotism to further a private racket. King Ahab wanted Naboth's vineyard, which seems to have been an exceptionally fine one. Naboth declined to sell. Ahab, who was apparently as badly spoiled as many other kings have been, was inconsolable until his wife Jezebel told him to think no more about it and let her attend to the matter.

Jezebel set about the "framing" of Naboth with a swift expertness which leads to the suspicion that the method was not new. She wrote letters to the judges and told them to put Naboth on trial. The courts in those days were evidently pretty much what they were in the Middle Ages, in the England of the Stuarts, in

many of our communities today. If a man was "in wrong," he did not have a chance for justice. Jezebel easily hired a couple of private detectives or "stool-pigeons" — "sons of Belial" — to swear, in effect, that Naboth was an enemy agent, that he did not stand up when the national anthem was played, that he did not believe in God, and that he had a low opinion of the king. This evidence naturally infuriated the "National Defense Society" of those days, so they mobbed Naboth and stoned him to death. Then Ahab got his vineyard.

So the chronicle of centuries runs through the chapters of the Old Testament. Israel was torn with civil and foreign wars, and soiled with the worship of unclean gods; until, inevitably, there came at last a general social breakdown. Then, in the twilight of the nation, when the shadow of coming subjugation and slavery once more lay heavily upon the Chosen People, the prophet Micah arose in Israel and spoke these words:

"They build up Zion with blood, and Jerusalem with iniquity.

"The heads thereof judge for reward, and the priests thereof teach for hire, and the prophets thereof divine for money: yet will they lean upon the Lord, and say, Is not the Lord among us? none evil can come upon us.

"Wherefore shall Zion for your sake be plowed as a field, and Jerusalem shall become heaps . . ."

He might have been talking about the United States of America. The same methods and their variants are in use today. Motives have not changed at all.

And his prophecy proved horribly exact.



## The Grafting That Was Greece —

CITIZENS of the Greek city-states were well aware that wealth alone opens the door to "the good life," as they called it — a spacious life of leisure and enjoyment. They also knew that the way to acquire wealth was to make the saps work, and to take the proceeds of their labor — up to the point of not too greatly discouraging the saps. This is now called "enlightened self interest." And if a man can get enough money to live without labor, he will usually be found supporting this politico-economic creed with devout fervor. It enables him to feel virtuous without financial sacrifice.

There was no oratory among the ancient Greeks about the "dignity of labor." Labor was definitely degrading. It was performed only by slaves and the poorer sorts of freemen. The citizens reasoned, reasonably, that any man who had so little brains as to labor for a living did not have anything like brains enough to take part in the government and share in the attendant rackets. "If a man applies himself to servile or mechanical employments," wrote Plutarch, "his industry in those things is proof of his inattention to nobler studies." So the Greeks barred all such inattentive persons from citizenship.

Their comparative lack of hypocrisy in this regard has always been one of the most engaging features of the racial tradition. Born, like most nationalities, in robbery and piracy, the Greeks followed corruption with a clear



vision and, at times, exalted racketeering into a national industry. It is true that Plato, Antiphon, and some others, hazily envisioned a wise and unselfish type of public leader, but only in the "ideal state." They had no illusions about ever finding this paragon in the real world of Greek politics. From the days of the Trojan War (when the "heroes" seemed to have known the advantages of intimidation and jury-fixing) down to the Macedonian conquest, there was hardly a public figure of any consequence whose career was not smirched by some sort of skulduggery.

Even today political leaders in Greece are seldom concerned with the polite myth that there is any real issue between them, save the all-important one of all times: "Who is to hold the offices and draw the salaries and work the rackets that go with political control of the community?" Consequently their followers rarely take the trouble to call themselves Royalists, Republicans, Democrats, Conservatives, Liberals, Socialists, Fascists, or Communists. They are simply *Panglists*, *Venizelists*, and so forth. This means merely that a Greek citizen who concludes that labor is a silly way of making a living says quite openly, "I am for Panglos because there are not enough soft jobs to go around, and if I help to get Panglos into office he will fix it so I do not have to work for a living. I am against Venizelos because I think Panglos has a better chance to get in; and, because I am against him, Venizelos will not give me a soft job if he does get in."

This is not to say that Greek politics and politicians are more corrupt than our own. They are simply more frankly venal. We still use party labels, but that is a device which deceives, or should deceive no one with a

common school education. Some ten years ago this writer was a member of an organization which offered a reward of a dollar a word for a five hundred word essay pointing out a single vital difference in principle between the two chief parties of the nation. No one ever claimed the five hundred dollars.

And as for corruption, an old political realist in Philadelphia remarked, apropos of one of our multitudinous investigations which was then impending: "Republicans investigating Democrats is just a stink investigating a stench."

In the minor sub-divisions of our political parties we are rapidly approaching the frankness of the Greeks. Organizations in wards and assembly districts often call themselves "The Thomas J. Whatsis Association," merely using a politician's name without troubling to insert the word "Democratic," or "Republican." But, generally, when there is one of these periodical struggles to get foot and jowl into the public trough both political parties play the national anthem loudly enough to smother the sound of the grunts and squeals.

The ancient Greeks would have been honestly astonished at such a spectacle in politics. They would not in the least have understood what it was all about. Their communities had no moral sense in the way that we use the expression (and like to think that we possess the thing itself.) Also, they had no patriotism as we understand patriotism, i.e., an ideal of service and sacrifice. There is here no intention to assert that many of us have ever worked at this ideal, but the ideal itself is extant. It was almost certainly a product of the Christian era. The Greeks had no conception of it. They had a word for "prostitute," but none for "patriot." If a stranger had

approached a citizen of ancient Athens with the suggestion that the latter give up even the slightest material advantage without the definite prospect of a greater material advantage in return, he would certainly have been thought crazy, or even impious. Aristophanes would have listened to him with uproarious delight. The quaint notion would have been gorgeous material for one of his satirical comedies.

Regardless of the current form of government, the basic principle of racketeering runs like a muddy stream through the whole history of ancient Greece. In tyrannies, monarchies, oligarchies, timocracies and the so-called democracies, the dogma that "only saps work" was what the scientists of today would call a "constant." The variations lay largely in the ingenuity of the rackets and in the number who shared the loot. These last steadily increased until, in the Athens of Pericles, that demagogue was head of a racketeering organization of at least five or six thousand citizens — the backbone of a fairly dependable working majority in the public assembly.

The early and partly legendary history of the Greeks, what might be called "the period of piracy," may be quickly passed over. Piracy is not, strictly speaking, a racket. It is a more direct and much more decent sort of crime. The highly organized use of ships for blackmail and extortion came into full flower only many centuries later, in the time of the Confederacy of Delos; but the possibilities of the racket were made plain in this earlier time.

Long after Jason and his buccaneers had adventured into the Black Sea to steal the Golden Fleece — and anything else that was loose — came the Trojan War.

This was a struggle between rival bands of freebooters for the control of the Hellespont, which was then as now an important highway of the seas. The Trojans had erected here a fortified base which enabled them to engage in highly profitable "hijacking" on pirates and traders passing to and fro between the Mediterranean and the Black Seas, and to levy tribute on a considerable population in the hinterland when it tried to bring its produce to a coastal market. [Note: Highways and markets and racketeering have always been historically inseparable.] Of course, in those days and for centuries thereafter, it was generally impossible to tell a peaceful trader from a pirate or a bandit. It usually depended on which was the stronger of any two who chanced to meet.

The Greeks never made pretense to "business morality." The higgling and chaffering spirit of the Levantine market-place is thousands of years old. "Speculation" was rife. If a man found out that a neighbor was forced to meet an obligation he did not rush to his aid. On the contrary, he assisted in bringing pressure, forced the unfortunate man to sell at a sacrifice, and then leisurely resold the goods at a big profit. "Never give a sucker a break," was the Greek motto. A buyer entered the market at his own risk. Theophrastus, to be sure, went so far as to think that there ought to be a little decency among friends. He says, in his *Characters*, that "a mean man" will "dint the bottom of the measure and water the wine that he sells even to his friends." But even Theophrastus did not expect him to be so insanely altruistic as to deal honestly with strangers or mere acquaintances. This dint in the bottom of the measure, by the way, is probably the ancestor of the "dimple" in the bottom of the modern wine bottle.

Racketeering in the modern sense began, so far as we know, some six or seven centuries before the Christian era, with a highly ingenious swindle on a building contract. This fraud was worked by a noble Athenian family, the Alcmaeonidae; and it was worked so smoothly and successfully that it might be studied with profit by all practitioners of building rackets. The Alcmaeonids had been banished from Athens, and it was necessary that they make a gesture of some kind. Their opportunity came when the Temple of Apollo at Delphi, home of the great oracle, was destroyed by fire. There is no evidence that this patrician family actually had the temple burned; but it is undeniable that, when it did burn, they were all ready with an amazing bag of tricks. They put in a successful bid for the contract to rebuild the temple. This contract called for the use of mere limestone; but after the agreement was all completed Athens was stunned by the announcement that the exiled family proposed using, not limestone, but marble! This incredible generosity made a tremendous impression. It conferred upon the clan an immense prestige, and "the generosity of the Alcmaeonids" became a part of the national tradition. After that, for a time, they could get away with anything.

This swindle stood up unchallenged for more than two thousand years. Then it was discovered that the generous Alcmaeonids had not used marble at all. What they had used was a remarkable cement, which thoroughly disguised the inferior material employed.

But for the fact that the fraud had not been discovered in his day, this might have been the origin of the old Roman's warning: "Beware of Greeks bearing gifts." When a building contractor gives way to an inexpli-

cable burst of generosity there is usually a "catch" in it somewhere.

Solon, the famous law-giver, was indirectly the father of an orgy of racketeering which was, at last, largely responsible for the collapse of Athens. There is strong presumptive evidence that he, himself, engineered and hugely profited by a racket which was even more cynical than the temple building of the Alcmaeonids. It was the first instance of the deliberate use of the law-making power for racketeering purposes, and was thoroughly "modern." Something of the same sort was worked yesterday and will be worked again tomorrow.

Solon had full authority to reorganize the economic and political structure of the Athenian state. He decided that in order to clear the ground for a healthy reconstruction, he must declare a general cancellation of debts. There can be no decent doubt that this was a necessary measure. When it is recalled that even in the much later period of Demosthenes twenty percent was considered a fair and safe return on an investment, imagination boggles at the thought of the interest rates the professional money-sharks must have charged before Solon took matters in hand. Usurers could take everything a man had and then sell the man himself into slavery in order to satisfy a debt.

[Note: To his eternal credit, Solon put a stop to all this. He freed those unfortunates who were still living in Attica and even, according to some of the ancient writers, brought many back from slavery in foreign lands where they had almost forgotten their mother tongue.]

With practically a whole nation in the monstrous grip of the money lenders, there was only one cure for

this fatal economic disease — the general annulment of debts. But here was the catch in it. Although the state was top-heavy with a land-holding oligarchy and the common people had been led to expect a general redistribution of the land, such as Lycurgus had brought about in Sparta, Solon did not disturb the ownership of real estate. A man who owned a heavily mortgaged farm simply did not have to pay the interest or principal of the mortgage. He held all his land, and it was once more clear of debt. Advance knowledge of this plan would, of course, enable insiders to make a record clean-up. And that is precisely what happened.

One night Solon took into his confidence three of his friends — Conon, Clinias, and Hipponicus. Plutarch, who deeply admired but by no means idolized Solon, thinks that he wanted to consult the three about the wording of the proclamation. This is a bit thin. In any case, Solon was in honor bound to see that his friends kept the secret and that they did not profit by their inside information. He did neither — and it must be presumed that he knew his friends. They were out early the next morning, hurrying hither and yon to borrow every cent they could raise, regardless of interest rates. With this money they bought land right and left, of course paying as little cash as possible and taking over huge mortgages. When they could borrow no more money and buy no more land Solon brought forth his decree which annulled all money debts, but confirmed all land holders in present possession! Then the lenders of the money and the holders of the mortgages awoke, with shrieks of anguish, to the fact that they had been the victims of as neat a racket as could well be devised.

There was a terrible uproar; but Solon stood firmly



by his friends. Plutarch is indignant with earlier writers who intimate that the great law-giver may have been in on this racket. But it is impossible to avoid the suspicion. Solon had practically unlimited powers. Either he was an accomplice, or his friends had abused his confidence in a completely dishonest manner. He could easily have forced them to disgorge by making his decree effective as of a date preceding these transfers of title to the land. But he did nothing of the sort. He tried to still the tumult by rushing out with the announcement that he had already set an example for his fellow citizens in forgiving a debt of five talents, which he had out at interest. This was about six thousand dollars, no mean sum for those days — and Solon was not a wealthy man. Plutarch naïvely sets forth this gesture as a proof that Solon had no part in the racketeering of his friends. The argument is what the lawyers call a *non sequitur*. It does not follow. On the contrary, the presumption might be that, because he knew that he was going to profit heavily, he was eager by this act to establish the fraud as an accomplished fact.

Anyway, they “got away with it;” and the victims were doubly exasperated because it was all so beautifully legal. Probably no form of racketeering is more destructive of civic morale than the use of unwise or dishonest legislation by the crooked and the powerful for the purposes of extortion and oppression. Their victims feel helpless and hopeless; for the laws which have been used for their undoing often have the stupid support of the “best elements” in the community.

[Note: The Germans who sold out their property to Hugo Stinnes and his friends in the early post-war period must have understood exactly how these swindled



Atticans felt. This little group of rich men knew that Germany would repudiate her internal debt, thus making her currency worthless. So they bought all the real property they could purchase at any price — mines, factories, mills, newspapers, anything of real value. They bought on as long terms as possible; and it is probable that, when some of the last payments were made, the German mark had by that time become literally worthless. Similarly, one of the best reasons for being in politics in our country is that insiders can get advance information as to projected public works, and then buy up options on real estate which is sure to be benefited. A new subway extension in New York, for instance, will often send the price of affected real estate up to two or three or even ten times the former one. The cost of a site for a public school building sometimes advances a thousand percent. This is also one of the attendant compensations for undergoing the "terrific strain" of being a big executive or banker connected with large and expanding corporations.]

Aside from the question of his personal racketeering, Solon was a hard-headed practical economist who changed the whole character of the Athenian state; and a number of his laws were certainly wise and just, according to the ethics of his time. But like many reformers — especially those of doubtful probity — he had that curious lack of humor, and of a sense of human dignity, which leads to absurd attempts at regulating private manners and morals. Under the impetus of his work the Areopagus, which was a council of elder statesmen and a most important law court, became also a sort of high-pressure bureau for the promotion of "snooping." And, believe it or not, he actually wrote a law

governing the wedded life of heiresses, whereby if a man married a rich woman he must "approach her three times in every month." This statute says more for the kindness of his heart than for the clearness of his head. If a fortune hunter married a homely heiress for her money, Solon was going to do his best to see that the poor girl got some illusion of romance out of it. Just how he expected to enforce this law is not exactly clear. It is regrettable that there is no stenographic record of an action in court. It would be great circulation stuff for the tabloid newspapers.

Another less ludicrous and far more alarming ordinance of the same *genre* reads: "If an archon be taken in liquor, let him be put to death." The archons were the most powerful administrative officers of the state and it was certainly undesirable that they should be drunk on the job. But the penalty was out of all proportion to the offense, and simply handed racketeers a club with which to intimidate the chief rulers of Athens. In a community where perjury seems to have been a sort of national sport an archon would not have had the ghost of a chance, if a powerful group had set out to "frame" him.

Another law provided the death penalty for panders. The professional pander is a fairly loathsome object; but in a small city, where snooping was officially encouraged, this statute opened a wide door for the blackmailing of innocent persons who might accidentally be placed in an ambiguous position.

These and others of Solon's mistakes have been defended on the ground that they were at the worst simply errors of judgment and that he certainly never intended to promote racketeering. Let the argument stand. Plato has pointed out that it takes more than good intentions

to make a good ruler. He must have not only the will to do the right thing but also the wit to see what is the right thing to do. Otherwise he is likely to cause more widespread desolation than a corruptionist in office. And three of Solon's most innocent-looking laws, when they were worked together, delivered Athens into the hands of the racketeers.

First, Solon divided the body politic into groups according to an arbitrary standard of worldly possessions. The only privilege accorded to poor men was that of speaking and voting in the public assembly. "This seemed at first but a slight privilege," observes Plutarch, sapiently, "but afterward showed itself to be a matter of great importance; for most causes came at last to be decided by them." Secondly, he ordained that citizens should be paid for attending public entertainments. (If these were anything like our "public entertainments," the money was well earned.) Citizens were, apparently, always paid for attending to their public duties. And, thirdly, he empowered any citizen to bring an action against any one in the state, even if the complainant himself had no direct concern in the matter. "What city is the best modelled?" Solon was asked. He replied: "That city where those who are not injured are no less ready to prosecute and punish offenders than those who are." This was probably the germ of our idea of public duty, and is today a commonplace of criminal procedure.

All three of these laws may well have been designed to promote the public weal, but in the hands of unscrupulous politicians and their satellites they wrought appalling damage. The first two resulted in so great an increase in public entertainments that, under Pericles

and the succeeding demagogues, these gratuities, combined with the public duty fees, amounted to a living income for an ordinary citizen, especially if he practised a little private racketeering on the side. The third law of this group made this last a simple matter. It gave birth to a blighting swarm of informers and blackmailers.

Callicles asked Socrates if the latter had never heard that Themistocles and Cimon and Miltiades and Pericles were "good men" who "made our state great."

Socrates had apparently heard this sort of talk until it had almost made him ill; for his reply was devastating. It should be printed on the fly-leaf of every history text-book in the world.

"You praise the men who feasted the citizens and satisfied their desires," said Socrates, "and people say they have made the city great, not seeing that its swollen and ulcerated condition is to be attributed to these elder statesmen, for they have filled the city full of harbors and docks and walls and revenues and all that, and have left no room for justice and temperance."

A brief glance at the careers of these four "good men" of Callicles reveals a cross-section of Greek racketeering at its worst. Themistocles is described by one historian as "one of the ablest and most farsighted of Greek statesmen." There is a rich unconscious irony in this. Themistocles was an able crook and his foresight was admirable in all matters which held out the slightest prospect of graft for himself. In modern times he would have fitted in somewhere between Tweed and Croker. He had all the rapacity of both, but he was not so clumsy as Tweed nor so clever as Croker. Like Croker, he "worked for his own pocket all the time," but he did not have the great Tammany

boss's stubborn patience and direct shrewdness. He openly practised blackmail and extortion, and he took bribes with both hands. His money hunger was insatiable. Every trust — and everything else he held — was for sale, excepting his honor, and he apparently never had any honor. His friend and host, the Rhodesian poet Timocreon, accused him of having "framed" and betrayed him for a sum equal to about three thousand five hundred dollars. Both before and after the Battle of Salamis he was engaged in treasonable traffic with Xerxes (so that he would have a foot in the Persian camp in the event of a Greek defeat) and it is certain that both he and Pausanias, the Spartan chief, accepted, or were trying to get, bribes from the Persian king. Pausanias was convicted and put to death. Themistocles, who had already been banished from Athens, was in Sparta at the time, but he contrived to get away to Persia. The manner of his escape is characteristic. He negotiated with the captain of an Athenian vessel to take him to a Persian port. When the man refused, (he must have been inconceivably honest) Themistocles said, "Very well, in that case I will swear that you accepted a bribe from me anyway." Knowing his man, and his countrymen, this threat was enough. The captain told him to come right on board.

Themistocles seems to have been a promising lad from his boyhood. His school teacher said to him: "Boy, you will either be a blessing or a curse to the community." Plutarch, who holds that he later became a truly great man, says that in his youth he was "without moral restraints." There is no evidence that he ever acquired any. There was no time in his career when Dr. Freud would not have given him the same advice he

gave to *Lorelei* in *Gentlemen Prefer Blondes* — cultivate a few inhibitions and get some sleep. Idomeneus is quoted as stating that his manner of first attracting attention was a trifle startling, even in Athens. One morning he hitched four naked prostitutes to a chariot and “made them draw him across the Ceramicus in the sight of all the people.” Themistocles must have been racketeering even in these early days, because orgies of this kind cost money at any time in any country, and he was not born wealthy. In the good old days of the Czar one of the younger Grand Dukes persuaded a lovely strumpet to stroll naked among the crowded tables of St. Petersburg’s swagger night club; but this may have been a “command performance.”

[Note: One of Solon’s laws provided that no man who associated with “lewd women” should be permitted to speak in the public assembly. It is rather a pity that this law was not enforced. It would have barred all four of these “good men” from public life.]

There is no doubt that Themistocles had military talent. He proved it at Salamis. But his “policy,” even there, was so tortuous that no one handicapped with rudimentary instincts of honesty can follow the twistings of his mind. After Salamis he saw a splendid chance to loot the weaker of the allies. He cynically proposed that the Athenians should burn all the ships of the smaller states, which would have left these weak sisters completely at the mercy of the Athenian racketeers. Aristides vetoed this inconceivable treachery; but Themistocles was only momentarily balked. While Aristides and Cimon were perfecting the naval confederacy known as the Delian League (which proved to be a more gentlemanly way of “gypping” the allies) Themistocles

got command of some ships and went off on a black-mailing tour around the Aegean Sea. "I bring two gods along with me, Persuasion and Force," he told the helpless folk who objected to the "shake-down." In modern language, "Come across with the money, or else — !"

Although he was extremely vain and lived in magnificent state, Themistocles by these various rackets piled up an immense fortune. Of course, all the generals of those days voted themselves "prizes" on the slightest pretext, but this would account for only a trifling fraction of the money that passed through his hands. When he was forced to quit Athens he took with him all he could carry, but what he left behind amounted to the huge sum of sixty thousand dollars. His most determined apologists do not pretend that there is any way in which he could have gained this great treasure honestly. It was the fruit of blackmail and bribery.

When Themistocles had reached Persia in safety, he and the Great King played a charming farce. Either this king or his father had offered a reward of two hundred talents, about a quarter of a million dollars, to anyone who would deliver Themistocles into the Persian power. (This was probably done with a view to deceiving the Athenians in the matter of Themistocles' treasonable dickerings with Persia.) So when the Greek racketeer delivered himself at the Persian court, the king held that he was entitled to the reward and gave him two hundred talents! He also conferred upon him the revenue of three or five towns, yielding an annual income about equal to the fortune he had been forced to abandon in Athens.

But the Persian monarch expected a return for all



this. Themistocles was to make good his pretensions to military genius by leading a successful expedition against the Greeks. The old crook had no stomach for serious fighting against his fierce countrymen. But he was a gifted side-stepper, and for a long time he managed to withstand the royal pressure. These tactics at last cost him the favor of the court. Old, discredited, friendless, a pariah among men and nations, the broken racketeer committed suicide at the age of sixty-five.

Cimon was the son of Miltiades, the hero of Marathon. The latter was a rough-neck soldier of fortune, and his bold and successful tactics in that great victory established forever his claim to military genius. Taking advantage of the prestige won in this battle he persuaded the Athenians to give him seventy ships, which he used in some sort of blackmailing expedition against the island of Paros. Historians have never been able to discover just what this was all about. There is no tenable military excuse for the enterprise. Cornelius Nepos argues, on the ground of character, that Miltiades must have had some high and lofty purpose; but Nepos was a slovenly historian and plainly confused the victor of Marathon with the elder Miltiades, also Tyrant of the Chersonese, who was celebrated for his wise and temperate rule. The second Miltiades had a very wobbly reign in the Chersonesus and was finally driven out.

One night at Paros, when Miltiades was "in conference" with the high priestess of Demeter, they were interrupted and he had to run for his life. In jumping a fence he was so badly injured that he never recovered. (Whether Miltiades was softly straying from the shining path of blackmail and extortion, or whether this meeting had to do with plans for "shaking the fig tree"



of the Parians, is not known.) He returned to Athens, seriously wounded and without any loot for the public; so he was fined the full cost of the expedition, about sixty thousand dollars. He was unable to raise this sum and was thrown into prison, where he soon died.

Cimon inherited his father's military genius, as well as his fondness for women and money, and the son surpassed the father in all three. "Ladies and Loot" might have been the family motto. Plutarch declares, with some justice, that Cimon's double defeat of the Persians by land and sea on the coast of Asia Minor was a greater achievement than Salamis and Plataea combined. In the face of overwhelming odds his strategy was aggressive and clear-headed, and the battles themselves were fought with splendid valor. He then cleared the Ionian coast cities of Persian rule, whether the Ionians liked it or not. One town, Phaselis, preferred the Persians. Cimon attacked it vigorously but raised the siege when the Phaselians paid him twelve thousand dollars. He raided the Thracian coast and broke up rival groups of pirates and hijackers. He crushed the Thasians for attempting to secede from the Delian League, and thereby gained possession of valuable gold mines.

"Cimon had by this time acquired a great fortune," remarks Plutarch casually. There is no doubt about that. Plutarch insists that he had the bravery of Miltiades and the "prudence" of Themistocles, but was more honest than either. This endorsement may be accepted at its face value, and it would still leave Cimon with an honesty-rating a little lower than the James Boys.

When he returned from the north Cimon was promptly charged with accepting bribes from the Mace-

donian king. The Thasian possessions on the mainland offered an excellent strategic base for attacking Macedonia and Cimon's failure to invade that country was attributed to the "presents he had received from the king." He was fined sixty thousand dollars and escaped the death penalty by only three votes. Some authorities believe that he escaped extreme punishment chiefly because Pericles, who was at this time playing a shrewd game of his own, was not so vindictive against him as he might have been.

It must be understood that although Cimon and the Athenians collected the loot, these adventures were not carried out by Athenians alone. Cimon was commander of the fleet of the Delian League. This was a weapon forged by Aristides and wielded by his friend. (Aristides was influential in the rapid rise of this son of Miltiades. He needed him as a counterpoise for Themistocles, whom he trusted even less.) After the army of Xerxes had retreated and Pausanias, the Spartan commander, had been discredited for racketeering in supplies — and for other things — Aristides persuaded the allies to form a naval league, called the Confederacy of Delos. Ostensibly devised as a protection against possible renewals of Persian aggression, this amiable little plan had three catches in it which gave Athens the hegemony of the Aegean. First, as the strongest naval power Athens was made head of the alliance; second, there was no provision which established the right of secession; and, third, any city could contribute the money for its quota of ships in lieu of the ships themselves.

Aristides fixed the amount of the tribute to be paid by each member. His assessments must have been considered fair and just, because there was no complaint at

the time. As the Athenian racketeers got a stronger and stronger grip on this instrument of oppression, and more and more reduced their allies to the level of exploited saps, these dues were rapidly multiplied. The elaborate public building program of Pericles, among other rack-ets, was paid for out of this ship money.

As the fear of the Persians died away the military ardor of these states subsided accordingly; and, actively encouraged by Cimon, they more and more contributed money instead of ships. Too late they awoke to the fact that they were thus building a large navy for Athens and for Athens alone. Manned largely by Athenians and hired mercenaries, the fleet of the League became simply an instrument for extortion in the hands of Athenian crooks. The "allies" could not secede, and they could not refuse to pay the dues. It was all legal. We have seen, in the case of the Thasians, what happened to seceders; and any hint of a refusal to pay the tribute money instantly brought down upon these defenseless cities the fleet they had built with their own gold. It was not the first nor the last time in history that a people have thus cheerfully constructed a blackjack and then placed it in the hands of a thug to be used on their own heads.

The rising power of the demagogues was now becoming a menace to Cimon and his friends. Ephialtes had stripped the old boys of the Areopagus of practically all authority and had conferred their powers on the popular assembly. Allied by interest and instinct with the wealthy nobility, Cimon was afraid of this movement. The fact that professional informers and blackmailers and other citizens were "shaking down" the wealthy and voting themselves larger and larger

fees from the public treasury may well have had something to do with this feeling. Athens was rapidly becoming a nation of racketeers.

Consequently, when an earthquake all but destroyed Sparta, Cimon made the mistake of his life. Ephialtes was all for finishing the work which nature had begun, and thus forever removing the strongest and most constant threat to Athenian supremacy. The Laconian slaves and serfs, who, in contrast to those of the Athenians, were abominably treated, took advantage of the disaster to rise in revolt. Ephialtes advocated supporting them. Cimon insisted on aiding the Spartan oligarchy. He was accused of taking bribes from the Spartan king, but this was probably untrue. Spartan kings were much more addicted to taking bribes than giving them. The obvious truth is that Cimon was more afraid of the "common people" at home than he was of the oligarchy in Sparta; just as many statesmen in Europe, in 1917-18, worked themselves into a frame of mind where they were more afraid of the Russian revolution than they were of the German army — and Lord Lansdowne wrote a letter to *The Times* in which he strongly intimated that they had better stop the war before the peoples of Europe generally began to take seriously the talk about "making the world safe for democracy."

This failure to destroy Sparta was the first step in the destruction of Athens. It is here called a mistake because it has long been common to excuse the rottenness of Cimon and Pericles and these others on the ground that they invented *Real-politik*. As Callicles said, they "made our state great." This is simply one of the canonized lies of history. Athens was never "great"; and none of these men had the wide vision, the inflexible

will, the Gargantuan conception of loot, or the genius for military and civil consolidation of conquests which made the Roman empire one of the most profitable rackets ever seen. The "Athenian Empire," including land and water, was never much larger than the state of Texas — a handful of islands and coastal bases for pirates and racketeers. Yet the beginnings of Rome were as feeble as those of Athens. A Caesar in the place of either Cimon or Pericles would have wiped out Sparta — and then Athens, and not Rome, might well have been the Mistress of the World. But compared with the great Roman conquerors these men had the political vision of wardheelers and the imperial boldness of pickpockets.

Pericles and his assistant demagogues were now gaining the real power in the state. Pericles was a son of the Alcmaeonidae, the well-known firm of building contractors. Because of the rather long shape of his skull he was nicknamed "Onion-head." He also bore a strong facial resemblance to Pisastratus, the last of the Athenian Tyrants, whose niece he married — which fact gave the Athenians some concern. Realizing in his youth that a public man must never appear either ridiculous or dangerous, Pericles cultivated an urbane austerity of demeanor, and walked softly. He had a special tutor in practical politics and followed "nobler studies" under Anaxagoras, one of the earliest of the great philosophers. There is more of the first than of the second in his subsequent career. He undoubtedly had a remarkable flair for "practical politics" in a small way. Pericles also knew that if a man is planning to break all the commandments, it is well for him to pay special attention to all the conventions. So he was careful never to

get drunk or to be seen in the company of courtesans. He never even smiled in public.

Having thus built up a "front," Pericles set out to get power. His background and connections would naturally have attracted him to the wealthy nobles, but he was shrewd enough to see that if he attempted to undermine Cimon by direct methods he would be ostracized, and out of Athens, with dizzying swiftness. He took the other course and played for the favor of the "common people." He supported Ephialtes in giving nearly all the powers of the Areopagus to the public assembly. Then he was ready to attack Cimon, and Cimon was banished.

The orgy of racketeering mounted toward its height. Pericles decreed new feasts, plays, processions, and all sorts of public entertainments, for attending which all the citizens were paid. The price of theatre tickets, and even money for getting drunk at the great feast of Dionysius, came out of the public treasury. Fees for jury duty, for attending the assembly, for all public functions, grew larger and larger. Every year sixty galleys, carrying hundreds of citizens, went yachting around the Aegean for eight months at a time. These citizens lived at public charges, and drew pay as well. Garrisons were established at strategic points to overawe the hapless "allies" of the Delian League (who were already paying for nearly all of this riot in Athens) and these garrisons lived on the fat of the land, at the expense of the people on whom they were quartered.

When the king of Egypt sent a huge quantity of wheat as a gift to the Athenians, Pericles was struck with one of his best ideas. He decreed that no one could be considered an Athenian citizen unless he could prove

that both his father and his mother were of Attic birth. A man thus denounced had to show certain proofs of family establishment, which might well have been destroyed — in the Persian invasion, for instance. This trick cut the number of those sharing in the king of Egypt's bounty from sixteen or eighteen thousand to about ten or twelve thousand; and, of course, by that much more endeared Pericles to the remaining ten or twelve thousand. The five or six thousand thus crookedly stricken from the rolls were not given much opportunity to complain. They were immediately and ruthlessly sold into slavery. (It is a wonder that the ghost of Solon did not roar through the market place.) Also, this citizenship inspiration of Pericles resulted in the invention of a new and highly popular racket. A distant relative, who was "in right," could lay claim to the family estate and throw the rightful heirs out into the cold, or into slavery.

Informers, called *sycophants*, were everywhere. Although the old worship of the gods was by this time not much more than a form, the slightest failure to observe the minutiae of ritual might bring an informer down on a man with the deadly charge of impiety — unless he had the money to buy the informer off. There were all sorts of ways to prove a man a "public enemy," if there was reason to suppose that he was worth blackmailing. The Solonic code was ignored when its provisions became an inconvenience, but it was sternly invoked as an aid to racketeering. Cratinus, a satirical poet, observed that the tablets on which the old laws were engraved were excellent fuel for boiling beans.

Pericles now had no further need for Ephialtes, who still had much influence with the people; so the latter



was murdered. It is difficult to get at the truth about Ephialtes, because it is sometimes hard to tell the difference between a great demagogue and a great democrat — especially at a distance of twenty-five hundred years. He may have been simply a demagogue of the Big Bill Thompson type — like his successor, Cleon — or he may have had some dim but stirring vision of democracy. His determination to give greater and greater powers to the public assembly is by no means a proof of real democratic ideals. The more functions the people had, the more money they got from public purse and private racket. There is no indication that he planned to extend the franchise or free the slaves. But, in any case, it was necessary to remove him. He was put on the spot. Idomeneus declared that Pericles had had him assassinated, but Aristotle thinks that his removal was the work of Cimon's faction in the nobility.

Like a true Alcmaeonid, Pericles gave much attention to building operations. In spite of the drains on the treasury, due to his deliberate corruption of the people, there was still the huge sum of more than eight million dollars in the national purse. Pericles put his friend Phidias, the sculptor, in charge of public construction and they spent about four million dollars. How much graft there was in these immense projects will never be known. Phidias was tried for racketeering in the gold ornaments he used on the statue of Athene, but was acquitted. At the "prudent suggestion" of Pericles he had attached these ornaments in such a manner that they could be removed and tested without injury to the statue. Why did Pericles feel it necessary to make this "prudent suggestion?" Did he have to tell Phidias how to carve a statue? It looks like another of the old,



old tricks. When a grafter in a high place knows that he is likely to face serious charges of corruption, he frequently has himself brought before the court on a self-chosen accusation of wrong-doing in which it will be a simple matter to prove his innocence. His acquittal on one such charge thus raises a popular presumption of his general guiltlessness.

Phidias was afterward convicted on the old stand-by charge of impiety, and is supposed to have died, or committed suicide, in prison. Some historians think that Pericles helped him to escape to Elis. Scandalous stories that the sculptor was procuring girls for Pericles ("Wouldn't you like to see my studio?") certainly did him no good in that time of trouble. Then Pericles himself was brought up on charges of racketeering, at the instigation of Thucydides, who had come to the front as the leader of the noble party after the fall of Cimon. The majority of the public assembly must have been either well-bribed or incredibly dumb; for Pericles' defense should have been enough to convict him. "If I have spent too much," he said, "then charge the whole thing to my account; only let my name be inscribed on these edifices and not the name of the people of Athens." It would be supposed that any group of people would instantly have seen through so transparent a bluff. If he did not have the money, the gesture meant nothing. If he did have the money, he must, of course, have stolen it. But they swallowed this demagogic nonsense and told him to go right on and spend some more.

And Thucydides was banished. From this it may be learned that any one who goes out gunning for a clever demagogue needs to be sure of his marksmanship.

By this time, Pericles had divorced his wife and was

deeply involved with a notorious courtesan named Aspasia, who conducted a house of prostitution in Athens. She is really a part of his military career, which was anything but glorious. The Spartans were most to be feared and, according to Theophrastus, Pericles kept them fairly quiet most of the time by bribing their leaders, at a cost of about twelve thousand dollars a year. (This was exclusive of special bribes in special circumstances.) Nearly all the Spartan kings were for sale and some six or eight of them were caught sitting on the bargain counter. When Pericles was setting out to crush the rebellion of the Euboeans, young King Pleistonnax appeared with a Spartan army; and with him was Cleonidras, who had been put there by the Spartan oligarchs to watch the young king. Pericles simply bribed both of them and they went home with their army. He did not bribe the Spartans when they afterward invaded Tanagra, and he was badly defeated. But there may have been policy in this. As a protest against the treatment of Cimon, a hundred of his bravest followers went into battle in a body, bearing in their midst the armor of the exiled chief. It looks as if they were put on the spot. Pericles was completely beaten; but, though he fought "with desperate valor," he got back to Athens without a scratch on him. Every one of Cimon's friends was killed.

Then a grandiose expedition against Egypt was a disastrous failure, and he had to bring Cimon back to make peace with Sparta. According to Plutarch, "some authors write" that he and Cimon entered into a deal by the terms of which the latter was to take two hundred galleys and go off racketeering Asia Minor way, while Pericles remained in charge at home. Cimon embarked

on this enterprise, but died shortly afterward at Cyprus; so this was another failure.

Aspasia now comes in as a military factor. Pericles liked the ladies. (His own son, even when dying, accused him of having debauched his wife.) He seems to have been insanely in love with Aspasia, and there is only one human being more irresponsible than a prostitute in love with a man: a man in love with a prostitute. Pericles declared war on the Samians, who were getting the best of a quarrel with the Milesians over the ownership of the town of Priene, simply because Aspasia was a native of Miletus and wanted to help the home folks. This was a bungle-fisted campaign, which cost the Athenians heavily in blood and treasure before Samos was finally destroyed. (A demagogue to the last, Pericles had the effrontery to proclaim on his death-bed, "No Athenian ever wore mourning because of me.")

The victory over the Samians provided an excuse for another big celebration, in the course of which Pericles publicly boasted that he had reduced Samos in nine months, while it had taken Agamemnon ten years to conquer Troy — the inference being that he was more than ten times as great a general as the old hero. The Athenians swallowed this, too.

The poor saps of the Delian League were, of course, paying the bills as states and as individuals. Pericles had long since moved the treasury from Delos to Athens. (Aristides said that this piece of banditry was immoral, but expedient.) Any citizen of a Delian state who had a grievance against an Athenian — even if the matter had arisen in his own home town — had to journey all the way to Athens to have the cause tried in an Athenian court before an Athenian jury. Furthermore,

he could not appear in court himself to plead his case, because he was not a citizen of Athens. He had to hire a "patron" who was an Athenian citizen. It is easy to imagine what kind of chance he had and how much it cost him. (Attic freemen who were not Athenian citizens were likewise victims of this racket.) Another advantage of bringing these cases to Athens was that the system increased the amount of court work, and thus multiplied the fees for jury duty.

Then came the Peloponnesian War — and the end of Athens. Although there was no visible reasonable excuse for it, Pericles suddenly fastened a quarrel on the city of Megara. Several historians who admit that there was even less military or economic justification for the row with Megara than for the attack on Samos, at the same time suggest that the "scurrilous charges of Aristophanes" can be ignored. In the circumstances, it is difficult to see how these charges can be ignored. The theatre in those days more nearly corresponded to our newspapers and radios than to our places of dramatic entertainment — especially when Aristophanes produced one of his satires. The fact that Aristophanes did not touch serious matters with a heavy hand is no reason for throwing his testimony out of court. On the contrary, an able foreign correspondent once told this writer that in a strange country he always turns to the comic papers to get at the true inwardness of a public question.

Aristophanes says that this disastrous conflict began when some gay young dogs of Athens kidnapped a prostitute, named Samaetha, from a brothel in Megara. "Those of Megara, in hot retaliation, seize a brace of equal strumpets from Dame Aspasia's house of recreation." (Ethel and Myrtle, probably — they are always

the most popular.) "So this was the beginning of the war, all over Greece, because of these three strumpets."

Pericles declared an embargo against Megara with "decrees drawn up like drinking-songs;" and there seems to have been rather a widespread notion in Athens that Aristophanes was right. Aspasia was charged with procuring young girls for the refreshment of Pericles. There were other charges, including, of course, impiety. Pericles appeared in court in her defense and shed what seemed to have been real tears over the danger threatening this clever trollop. It was his first public display of emotion and the Athenians were so impressed that they acquitted her.

But things were getting very hot for Pericles. Cleon and his followers were successfully pressing charges of misconduct against him. Anaxagoras, his old teacher, had to flee for his life. Pericles needed a serious war to divert public attention from himself and his mistress.

Archidamus, the Spartan chief, tried to mediate between the Athenians and the Megarians. He would rather have been on the Periclean payroll than go to war, and if Pericles attacked Megara he knew that the Spartans would insist on attacking Athens. But Pericles was obdurate, though if either side had the shadow of a legitimate *casus belli*, it was Megara. Suddenly Pericles announced that he was sending a herald with a conciliatory message. There is nothing in the immediately prior or subsequent conduct of the Athenian demagogue to give ground for the belief that this was a serious peace move. The herald was murdered, and Pericles denounced the Megarians. They retorted with the charge that Pericles and Aspasia had deliberately planned the

murder in order to make the Athenians fighting mad. This writer is inclined to accept the Megarian version. Even Plutarch, who worshipped the memory of Pericles, admits that it was by this time vitally necessary for the demagogue to work up the war fever in order to save himself. This is one of the oldest tricks in history. When a corrupt ruler is seriously threatened he tries to get out of the difficulty by provoking a foreign war, and shouting, " Rally 'round the flag, boys! "

The war came, with its inevitable attendants — plague and profiteering. Pericles died about three years later, having once been removed from command. Cleon doubled the dues of the Delian League, and increased the public gratuities accordingly. He was conceited enough to think that he could fight unbribed Spartans in open battle and was killed at Amphipolis. There were no men of ability left. Pericles had seen to that. Aristides, Cimon, Thucydides — all were gone. The war ended in utter defeat. Athens became a tradition.

It has been naïvely argued that the collapse of Athens at the end of the Age of Pericles proves what a great man he must have been, because there was no one great enough to take his place. This is like the story of the boy who killed his father and mother, and then threw himself on the mercy of the court on the ground that he was an orphan. The plain truth is that Pericles was a deliberately self-made demagogue, without public or private morals, who — because he feared them as personal rivals — got rid of every man whose ability might have helped Athens in her hour of need. In a dozen ingenious ways, he encouraged racketeering and public corruption until his country was too rotten to be worth saving. He left the shell of a petty and sordid

empire and, when the Spartan spear drove in, the shell fell to pieces.

Parenthetically, there should be a word about these Spartans. They were forerunners of the mercenaries of later centuries, but they were actually unpaid mercenaries. Their kings were constantly "shaking down" other rulers and other cities, but the Spartan citizens themselves got none of this loot. Trained to arms from boyhood, stupid, unthinking, humorless and illiterate, they made terrible warriors who fought blindly at the bidding of bribe-taking kings — or just as blindly marched home again with unfleshed swords. No matter how often their kings were convicted of corruption, which was frequently, the Spartans went right on trusting them, one after another. Every school-boy knows how they sometimes went about naked in the cold winter rains to inure themselves to hardship; but there is ample ground for believing that they did it because they literally did not have sense enough to come in out of the rain. Even their corrupt kings sometimes lacked ordinary intelligence. Polycrates, Tyrant of Samos, bribed one of them to let him alone; and the Spartan oaf did not discover until he had reached home that Polycrates had given him, not gold, but gilded lead money. The Tyrant and his drinking pal, Anacreon the poet, must have had many a hearty laugh that night over their bowls of Samian wine.

It should be clear by now that the ferocity with which the Greeks punished bribe-takers was not based on any moral objection to bribery *per se*. We hold that bribery is inherently wrong. Their attitude toward it was less moral than arithmetical. If a public man took a large bribe and put it in his pocket, there was just so much less



money for general distribution. The citizenry wanted the money themselves. Eubulus, a later Athenian demagogue, after trebling all the public fees, encouraged the public assembly to declare any one a traitor who should even propose using any of this money for national defense. And this was at a time when the Macedonians were over-running Euboea, and Philip was at the gate.

Demosthenes was convicted of corruption in office. If he was guilty, he had, at least, the excuse that he had begun life as the victim of a series of shameless rackets. His father died when he was a lad of seven and left a comfortable little fortune of about three or four thousand dollars a year. His two guardians, who were also his cousins, conspired with a brother-in-law to loot the estate; and when Demosthenes reached majority he had only a few hundred dollars a year. He went to law and won a verdict of about twelve thousand dollars, but he was never able to collect a cent of the money. On the contrary, these crooks further impoverished him by working the "ship law" racket on him. This was another of those Athenian statutes which is incredible excepting as a deliberately planned racketeering device. Under this law, an individual could be ordered to bear the expense of equipping a trireme, but he had the right to "challenge" any wealthier man who had been passed over. If the challenged party refused to equip the ship, then he was required to exchange estates with the challenger for one year. Of course, all that would be left of a wealthy man's estate at the end of a year could be swept up in a dust-pan. It was a fine racket for a professional extortionist to get himself assessed for a ship. With this club he could go around blackmailing one rich



man after another, finally putting the burden on any one whom he happened to dislike.

Aristophanes blistered these racketeers, big and little, but they were so powerful that they paid little attention to him. Here is a sample from *The Knights*, a bit of dialogue between *Cleon* and the *Sausage-seller*:

CLEON.                    *My thefts are open and avowed,  
And I confess them, which you dare  
not.*

SAUSAGE-SELLER. *But I can take false oaths aloud,  
And in the presence of the crowd;  
And if they know the fact I care not.*

CLEON.                    *What! Do you venture to invade  
My proper calling and my trade?*

In *Archanians* he has an informer denounce a Theban for bringing in lamp-wicks from "an enemy's country." He scents "a plot! — a plot to burn the arsenal!" When *Dicaeopolis* ironically asks him just how he expects the Theban to accomplish this fell design with a lamp-wick, the informer replies:

*Boeotian might be capable of fixing it  
On the back of a cockroach, who might float with it  
Into the arsenal, with a north-east wind;  
And if once the fire caught hold a single vessel,  
The whole would be in a blaze!*

In Xenophon's *The Banquet*, a sometime rich man declares that poverty is the only happy state. When he was rich he lived in constant fear of informers and extortionists. Now that these bloodsuckers had at last

impoverished him, he not only had nothing to fear but he could himself go about extorting money as he needed it.

When Socrates talked too much about civic morality (as hereinbefore noted) he was convicted of impiety on the evidence of some of these pleasant people and sentenced to death. This impiety law was evidently kept alive for the purpose of getting rid of inconvenient persons, where there was no other easy manner of disposing of them. It was much simpler and safer than assassination, because the law did the assassinating. There was also an odor of sanctity about the business, and the ancient Greeks were fully as alive as the modern Americans to the uses of sanctity. As early as the year 374 B.C., Isocrates wrote to the young Democritos, giving him this sound advice:

“Be religious . . . for that is the way to be lucky in business and to have a good character. Always reverence the divine — *but especially in the way that every one else does.*”

It might be a pious old pew-holder in Brooklyn or Des Moines giving advice to a young man on how to get on in the world.

Socrates argued that religious observance and moral action were not the same thing — a dangerous doctrine at any time, because the operation of the second is likely to expose any existing hypocrisy in the first. He was condemned; but he need never have suffered execution. His friends urged him to go away. (No one with friends or money was executed in Athens. Such men simply “escaped.”) But the stout-hearted old man drank the hemlock in the mistaken belief that he was thus setting an enduring example of civic virtue.

This by no means exhausts the list of ancient Greek rackets and racketeers. But it is enough.

It is sometimes urged that the justification of the Age of Pericles, with all its iniquity, lies in the fact that it produced great artists and great poets and great thinkers. There is nothing in this argument. Anaxagoras had developed his idea of the unity of God bringing an ordered universe out of chaos, at a time when Pericles was being spanked in the nursery — and not being spanked hard enough. And Whistler has pointed out that great artists have appeared in all ages and places, and that their appearance is unrelated to the social texture of the community or the moral fibre of its people. This stew of corruption that was the old Greek civilization no more "produced" Phidias and Pindar and Sophocles, than Negro slavery and the Whiskey Ring produced Poe and Mark Twain and the thundering lines of the *Leaves of Grass*. A work of art is, in Conrad's phrase, an individual temperamental achievement. It is true that a patron can sometimes make smooth the worldly pathway for an artist; but neither a period nor a patron can "produce" an artist.

Similarly, of men like Socrates, young Rudyard Kipling, the self-chosen bard of fraud and violence, once wrote that a reformer "is his nation's sacrifice to turn the judgment from his race." It is a comforting thought, but quite empty. No reformer can do it; not even two reformers. Elijah and Elisha both fought fearlessly and vigorously for public decency, but they could not turn the judgment. Israel's spear was broken and her place made desolate. More than two thousand years ago the Macedonian phalanx rolled over the Greeks, and they have never yet regained a real national dignity.

Great souls like Socrates and Elijah belong, like great artists, to no period and to no people. They seem to exist in another dimension, beyond the imaginations of such as we who are chronic racketeers. They are the common heritage of unheeding heirs, the priceless salvage of a world-wide wreck.

### THREE

#### — And the Racketeers of Rome

TOWARD the last days of the Republic, there stood not very far from the civic center of Rome a large-and-exquisitely-appointed establishment, at which the respectable would have turned up their noses if they had dared. But they did not dare. An informer might have seen them; and that house was the home of a dread power.

The name of this power was Chelidon. She was a Greek freedwoman, and she was the kept woman of, and collector for, Chief Magistrate Verres — one of the most thoroughgoing grafters of history. Even in this country we have seldom produced a racketeer in the same class with him.

Any one who has ever strolled, observingly, in the purlieus of a criminal courts building has seen here and there a furtive little office, in which strange tricks are played with the law and legal procedure. Chelidon's house was just such a place; but there was nothing furtive about it. It was as wide-open and unconcealed as a well-protected speakeasy.

Chelidon means *The Swallow*. It is not known whether this sobriquet was bestowed upon her for her exceptional speed in sexual immorality, or because of her infinite capacity for ingurgitating bribe-money. Probably the latter, as every litigant, no matter how good his case or pure his record, had to "see" this lady

if he expected even a show of justice in Praetor Verres' court. The inflexible rule was, "Nothing for nothing, and not always then." A bribe did not necessarily purchase a legal victory. It was rather insurance against the worst kind of legal injustice. For Chelidon frequently took bribes from both sides. She was untroubled by the ethical qualms of a certain Western judge in a big mining litigation who, on receiving a bribe of \$15,000 from the plaintiff and one of \$20,000 from the respondent, returned \$5,000 to the latter and then decided the case on its merits.

Her house was thronged with petitioners, their hands full of money, begging that impending law-suits be decided in their favor. Money was all that talked. No case was so small, and none was so strong in law and evidence, as to insure justice for the litigant if he failed to pay Chelidon proportionately to the financial consideration involved. If he did not have the cash, she would take a bond. The legal interest rate throughout the Roman possessions at this time was never higher than twelve percent; but there are historical records of four percent a month — *compounded monthly*! Those bonds of Chelidon's must have made the hair curl.

A stream of money poured into the bottomless crop of this lovely bird, and was passed on to Caius Verres, Praetor of the City. Occasionally, when he saw an opportunity to get more out of a case in other ways, Verres would not permit Chelidon to take a bribe in settlement. This was especially true in matters which involved the estates of minors. He told some of his friends that this class of "business" afforded the richest pickings. And he was undoubtedly correct, if his handling of one case, of which we have a detailed record, is typical.

A man named Junius had taken a government contract to keep the Temple of Castor in repair. Rome was still heaving in the afterswell of the Marius and Sulla horrors when this contract was let, and it is possible that the interests of the public were not properly guarded. Anyway, the Senate passed a resolution requiring Verres to look into the matter and report on the state of the Temple. Verres smacked his lips.

By this time Junius had died, leaving a young son as his heir. The guardian, of course, assumed the contract; and he was summoned before the Praetor. Verres wanted to know if the ward had lived up to his father's obligations in every way. The guardian assured him that the Temple of Castor was never in better order — all the statues intact, the offerings inviolate, and the building itself in excellent condition. This was not at all what Verres wanted to hear, but he was not the man to be discouraged by any little detail such as the absence of legal grounds for proceeding with a profitable racket. He decided to make a personal inspection. He knew nothing whatever about architecture or building construction, which was probably the reason the Senate selected him for the job. (Government is always a fearful and wonderful business, when observed with the lid off.) So Verres took with him a trusty henchman who had some knowledge of these matters.

Unfortunately, this satellite was unable to find anything wrong. The Temple was in apple-pie order. Verres was naturally irritated.

"Well, what can we do about it?" he demanded. The "expert" thought it over for a while, and at last brought forth an idea.

"Why don't you tell him that some of the columns

will have to be restored to the perpendicular?" he suggested.

Verres did not know what the man was talking about. The "expert" explained that a column is seldom mathematically true to the perpendicular; and that, while this made no difference in the appearance or structural strength of the building, it could be construed as a technical violation. [Note: There will be more about these "violations" of building codes when we come to the American cities of today. It is a beautiful racket.]

"Now you're talking!" said Verres — or whatever was the Latin equivalent of the same. He sent a heavy official notice to the guardian, informing him that the columns of the Temple were not true to the perpendicular and must be restored at once. The guardian, who seems to have been a remarkably decent sort of chap, immediately saw that Verres was planning to loot the child's estate; so he decided to get help. He enlisted the aid of a Marcellus, a wealthy member of that old Roman family. The Marcellus pointed out to Verres the transparent iniquity of the proceedings. Verres was unmoved. His position was that it was his duty to see that the Temple of Castor was maintained to the letter of the contract, and it would be a blot on his record if the columns were not true to the perpendicular.

There was nothing to do but interview The Swallow. She received them cordially, when their turn came, and heard their story as one listening to sweet music. She told them she would see what she could do for them. When they returned on the following day they were informed that she could do nothing. The guardian went



up to \$10,000, or thereabouts, but the money was firmly and virtuously rejected.

The guardian and his friend knew then that they were in for it, and they kept a sharp lookout. It was as well that they did, for Verres suddenly put up at auction a contract to "repair" the Temple, and tried to hide the notice from them. But they were on hand at the proper time, determined to protect the lad's property by bidding in the contract. There were several bids, including one of \$25,000 which was put in by Verres himself. The next highest was under \$5,000, and a few were about \$4,000. But Verres decided that for lack of security, or something, none of these was a valid bid; and he regretted that he would have to award the contract to himself at \$25,000 — which sum came out of the boy's estate.

Verres ordered some workmen to take down two or three of the columns and put them up again — with the same stone. He gave all the pillars a lick of whitewash and made a few other minor gestures, probably costing about \$2,000 or \$3,000 all told. The difference between that sum and \$25,000 was the rake-off on the racket, more than twice as much as the paltry little \$10,000 which the guardian had offered to Chelidon.

This is one of the milder incidents in the career of this grafter, but it is given in some detail because of its striking resemblance to good modern technique in racketeering; and if any one asks how such a man could become or remain a judge, he needs but to take a glance at a few of our own judicial scandals, past and present, and he will be answered. As a matter of fact, Verres was elected by the votes of the citizens of Rome, who were by this time as corrupt as the citizens of Athens in the

days of Pericles and Cleon. But he would have been the same Verres if he had been appointed to office. Some of our minor municipal judges are appointed and some are elected, and it is an open question which command less respect. Federal judges are appointed for life, and their equivalent brethren of the State bench are generally elected for varying terms. Both kinds have made splendid judges, and both have been caught with their pockets full of graft money. Members of the Supreme Court of the United States are appointed for life, and members of the Court of Appeals of New York State are regularly elected by direct vote of the people. Of the two, probably the State court has even a higher standing among lawyers than the Federal, excepting in some great minority opinions — “Holmes and Brandeis dissenting.” Despite our evergreen faith in each “new improvement” evolved by earnest reformers, no new gadget of governmental machinery ever has more than a slight passing effect on the fundamental evil of racketeering. The roots are too deep.

Verres’ method of reaching the bench would be considered somewhat more crude, but not much more immoral, than some modern elevations to the ermine. He began life as a quaestor, or financial officer, for a provincial governor in Spain. He was a good “organization man,” and showed such singular talent for extortion and embezzlement that when his chief’s term expired the latter recommended him to Dolabella, who was going out as governor of Cilicia.

The racketeering of this pair was outstandingly coarse and rapacious, even for a Roman provincial government. All of these officials were expected to do a certain amount of grafting. Even Cicero, whose conduct

as a provincial governor was exemplary in this respect, got about \$100,000 out of it in one year. But the work of Dolabella and Verres was so rough and ruthless that it shocked even Rome. When they returned Dolabella was impeached. Ordinarily he could have laughed this off, but there was one unforeseen complication. Verres double-crossed him and turned State's evidence. It was a shrewd move. Verres was thus enabled to hold on to his own enormous share of the spoils, and was placed in a good light before the public.

So he became candidate for praetor. He had plenty of money to buy the necessary votes. The market price for votes in those days was about what it is today — five dollars a vote. All through the centuries there seems to be some sort of mystic affinity between a vote and a five-dollar bill. Votes in Athens were at one time a little cheaper, but English candidates for Parliament used to distribute guineas among the electorate, a guinea being worth almost exactly five dollars. In the presidential campaign of 1916 a number of young members of Democratic Clubs in the Hell's Kitchen district of New York City appeared on the week-end before election wearing Hughes buttons and buying drinks with new five-dollar bills. If memory serves, that was also the price generally charged by the staunch farmers of Adams County, Ohio, before they would consent to go to the polls. The investigation of some twenty years ago indicated that these honest sons of the soil were not exactly selling their votes: they would have voted the Republican ticket in any case. They simply demanded pay for going to the polls.

The Roman citizens of this period were somewhat like the Ohio farmers in this respect. It seems to have

been a point of honor with them not to vote unless they were paid. Rome at this time was generally like the Athens of Pericles, albeit the rackets were not invariably the same. There are always local variations in racketeering. But the general idea of the shake-down was universal, and the voice of the informer was heard in the land.

As an individual, Verres is uninteresting; but he is instructive in the variety and fertility of his rackets. At the expiration of his term as praetor he was made governor of Sicily. This was probably the richest possession of the Republic; and Verres and his swarm of professional informers and hatchet-men simply gutted it. He found a prosperous and contented community: he left behind him a numb despair.

It is not necessary to take up all of his rackets in detail. He went in for everything from payroll padding and private extortion to public embezzlement and murder. There was no safety for life or possessions, not even among Roman citizens themselves. He looted private houses, and even temples, of priceless treasures. He would "borrow" an invaluable work of art from a wealthy citizen, and then dare him to ask for the return of it. Under threat of prosecution on some pretext or other, he forced one rich man to "sell" him two statues and two paintings of a value about the equal of two Michelangelos, a Rembrandt, and a Velasquez today. He paid three hundred dollars for the lot. By some fluke — he had ruined his war-fleet by dismissing most of the men so that he could pocket their pay — he captured a number of booty-laden pirates, and extracted enormous ransoms. These freebooters were at this time a terrible curse along the Sicilian coast and the public clamored

for their execution. After Verres had let the pirates go, he "framed" an equal number of Sicilians, and had them publicly and solemnly executed as the captured buccaneers.

Wheat was one of his best enterprises. The terrible revolt of the Italian slaves — known as the Servile War — had temporarily crippled agriculture, and the Sicilian wheat crop was correspondingly important and valuable. It looked as if, for once in a century, the dirt farmer might have a bit of luck. But if he thought so he reckoned without Verres. Under the Roman system the government collected a portion of the crops in taxes, and the provincial governor was legally entitled to an additional percentage. The government sold its tax rights for cash to a group of capitalists in Rome. This transaction was, of course, worked out on a basis which would have enabled these speculators to clean up in no mean way — if it had not been for Verres.

As governor of the island, he had authority to order wheat from any locality delivered at any port in the province. This power put into his hands a splendid bludgeon for racketeering. He could have the wheat crop moved about the island in any way that he pleased, the farmer and the tax-speculator paying the costs. A farmer in the neighborhood of Messina on the north coast could be ordered to deliver his crop somewhere in the extreme southwest corner of the island. They were thus shaken down so outrageously that both the farmers and the Roman syndicate were ruined.

The idea of this racket was not unlike the scheme worked by the Southern Pacific and other railroads to prevent the farmers of the West from growing too wealthy. When there were no crops to be moved, freight

rates were put very low to induce the saps to raise great quantities of grain and fruit. Then, when the crops had to be moved to market, they merrily cracked up the rates to a point where no one could make any money out of farming, excepting the railroads.

When he returned to Rome, Verres was impeached. But he had expected this and was at first unconcerned about it. He told his friends that he had stolen at least three times as much as he really wanted, so that he would have plenty of money for bribes when the impeachment proceedings came around. Juries in these cases were selected from the Senate by a consul and a praetor. The majority of these senators had either been governors themselves or hoped to be, so there was no reason to anticipate any trouble with them. A third group, who did not have the political influence or family prestige to aspire to one of these fat rackets, was for that reason all the more open to bribery. So it looked like plain sailing for Verres.

But events did not quite take the normal course. In the first place, the Sicilians retained Cicero, the great orator, to prosecute him. In the second place, they publicly demanded that either Verres be convicted, or that all laws restraining the rapacity of colonial governors be repealed; for they argued, reasonably, that the people of the provinces would come off more cheaply if a governor stole only enough to satisfy his own greed, without having to steal, in addition, enough to bribe everyone in Rome. In the third place, the consul who was to pick the jury was his personal and political enemy.

His attorney and his friends tried every known trick to have the trial postponed until the following year, when

their own crowd would be in power and everything would be simple. The details of these maneuvers would be boring. Any one can read exactly the same sort of stuff in any daily newspaper, when one of our prominent politicians or wealthy citizens is facing serious charges. Cicero, who was the respectable, blue-stockings lawyer for the other political gang, pressed the case with relentless vigor. He had so much evidence, and he presented it so crushingly, that Verres' lawyer, Hortensius — himself an orator of note — declined to reply to the opening broadside and advised his client to jump town between two days. Verres slipped away to Marseilles. He was found guilty and fined. According to Plutarch, it was a nominal fine; but it might have been better for Verres if they had beggared him. When Marc Antony, who had a fondness for money and art treasures himself, came into power on the death of Caesar, he had Verres framed and executed so he could seize his possessions.

One young gentleman, and one only, spoke mildly in favor of Verres at the time of his trial. He was of the same political complexion. This young aristocrat later abstracted a large sum of gold from the public treasury; but as he put an equal bulk of brass money in place of it, he cannot be considered altogether thoughtless. His name was Caius Julius Caesar. He afterward became Conqueror of the World.

Caesar's early career affords an excellent illustration of the incredible graft that went with a colonial governorship in the palmy days of Rome. By the time he was in line for one of these appointments, Caesar had spent so much money in private dissipations, and in public corruption and public entertainments — the last two being necessary expenditures for any man planning a



political career — that he was more than \$1,500,000 in debt. In one year as governor of Further Spain he collected enough to pay his debts and still be a wealthy man. And there was never even a suggestion that he had so far exceeded the limits as to be open to impeachment.

But, under the Emperor Trajan, a certain Marius Prescius made quite a criminal record as governor of one of the important wheat provinces of North Africa. As has been indicated, there were always all sorts of racketeering and dirty work connected with the wheat supply — and the writer is here guiltless of bad punning at the expense of the dirt farmer. The whole racket was at the expense of this poor sap, as usual.

A row broke out among the racketeers and it became necessary to get rid of eight who refused to behave. As they were not only Roman citizens, but also members of the Equestrian order, it was a little dangerous to put them "on the spot" through the medium of private assassination. So Prescius accepted a bribe of about \$12,500 to remove them by legal means. One was banished and seven, who apparently did not realize what they were up against, behaved so badly that it was necessary to execute them. The success of this method so impressed another racketeer, one Flavius Martianus, that he paid Prescius \$30,000 to eliminate another prominent, but annoying, Roman citizen from the African scene. This man was sentenced to the mines, after he had been brutally flogged. But he did not yield quickly enough to these milder methods, so Prescius had him strangled in his cell.

The younger Pliny got himself into a great state of agitation over these matters, but other people remained



calm. Prescius was merely fined. His right-hand man, who had collected five hundred dollars as his bit in the framing of the last victim, was a member of the Senate. He was not even expelled from that body.

The long feud between Marius and Sulla in the last decades of the Republic provided an excuse for some horrible racketeering. Both of these men began life in great poverty. Sulla was the son of a discredited patrician family, but Marius was of the humblest birth. It is a toss of a coin to determine which exceeded the other in baseness, bloodlust, and moneylust. Marius would never have been heard of if it had not been for the kindly interest of Cecilius Metellus, a brave and generous aristocrat, who gave him an opportunity to display his undoubted talents as a soldier. Not until too late did Metellus sense the tiger in the young plebeian's fierce energy. Marius repaid his benefactor with black ingratitude and treachery. He double-crossed him again and again, and was in turn double-crossed by Sulla. When he gained power in Rome, he formed a gang of freed slaves, and butchered citizens right and left for their money. Rich — and rotten, physically and morally — he died at the ripe old age of seventy-five, when retribution at the hands of Sulla was just around the corner.

With the double prestige of his victories in the Eastern wars and the destruction of Marius, Sulla was absolute in Rome. The republican forms were still observed, but Sulla was the dictator. His cruelty and rapacity almost made the Romans look back with regret to the days of Marius. The possession of wealth was the death-warrant of the possessor. Sulla published daily lists of "public enemies," and his gunmen received a reward

of \$2000 a head for every head they brought in. These gangsters made playful jokes on the subject, such as:

“ Well, that chap was killed by his hot baths.” And,  
“ His gardens were just the death of him.”

One Quintus Aurelius, a quiet scholarly gentleman who was in no way involved in politics, stopped out of curiosity to read a new list of the proscribed which had just been posted in the Forum. His own name was there.

“ Unhappy wretch that I am! ” he exclaimed. “ My Alban villa pursues me! ”

He was right. Within five minutes one of Sulla’s gunmen had dispatched him.

All sorts of private vengeance and grudges were satisfied by Sulla’s friends and henchmen. Even after the proscription was officially closed, the notorious Catiline, who had murdered his brother-in-law, had the lists re-opened to include the dead man’s name — thus making it a sort of retroactive, or *ex post facto* murder.

The lists could also be re-opened whenever a good opportunity to collect more loot presented itself. Sulla’s right-hand man, and chief organizer of gunmen and rackets, was a Greek freedman named Chrysogonus. After some forty Senators and about sixteen hundred members of the Equestrian order had been butchered, Sulla was rolling in wealth; and he gave himself up largely to liquor and prostitutes. Thereafter he took only a passing interest in the collection of additional graft. But Chrysogonus was insatiable. Two men, named Magnus and Capito, brought about the murder of Sextus Roscius, a wealthy country gentleman. He was killed in the streets of Rome as he was returning from a dinner party. This pair were of his kindred, and they knew exactly how rich he was. But as he was a member of Sulla’s

political party, some finesse was necessary. They went to Chrysogonus and explained that Roscius had left an immense sum of money and thirteen valuable farms, all fronting on the Tiber. In Chrysogonus' mind this was more than reason enough for the murder of anybody. He added the name of Roscius to the long-closed proscription lists and the property was put up at auction. This form was followed in all these cases of confiscation; but it was merely a form. Any one who had dared to put in a real bid against Chrysogonus would have done some involuntary sword-swallowing before he could get home.

It is estimated that the real-estate of the murdered man was worth at least \$300,000. Chrysogonus bought it in for seventy-five dollars. He divided the loot with his two confederates, keeping the lion's share for himself. No one knows how much cash and other portable property these three racketeers split up.

But the affair made quite a noise in Roscius' native town, and the local senate sent a deputation to Sulla to protest against this pillaging of the estate of one of his own followers. Chrysogonus received the delegation, and assured them that there was no need to bother Sulla with the business — he would attend to it himself. His manner of attending to it showed considerable imagination. He simply had Roscius' son and heir indicted for the murder of his father! Moreover, there is virtually no doubt that the young man would have been convicted but for the eloquence of Cicero, who defended him. Cicero was himself identified with Sulla's party, but he was decent enough to draw the line somewhere, and strong enough to defy Chrysogonus. Young Roscius was acquitted, but there is no record of his ever recover-

ing a cent of his property. He was probably glad to get off with his life.

Gangs of racketeers and killers, such as infest our cities today, grew rapidly in power during these last days of the Republic; and they were always present, in one form or another, under the Empire. Caesar had a genius for handling them — as, indeed, he had a genius for everything. If his character had been commensurate with his gifts, he might well have taken rank as the greatest man in history. He was an able orator, a concise and lucid writer, a statesman of rare ability, and one of the greatest soldiers who ever lived. He was ruthless, but never cruel. Yet, with all these talents, he was at heart only a selfish and unscrupulous, but thoroughly self-controlled, politician.

When a rising demagogue named Clodius was accused of impiety, Caesar brought about his acquittal because he needed Clodius to help him get rid of Cicero. It so happens that Clodius was actually guilty of a serious offense, and Caesar's testimony would have been conclusive. Clad in women's clothes, Clodius had made his way into Caesar's house during the celebration of a religious ceremony sacred to women. Caesar would not testify; and his friend and colleague, Crassus, (it was in the days of the First Triumvirate) put up the money to bribe the jurors. He also provided the funds to bribe the voters — six dollars a head — when Caesar wanted Clodius elected to the office of tribune. This election, by the way, was quite illegal in ways other than the buying of votes and the fraudulent voting of slaves. Only plebeians were eligible for the tribunate, and Clodius came of ancient royal stock. But "law is just tricks," as our racketeers say; and Caesar and Crassus slipped into

the record a fraudulent adoption of Clodius by a plebeian family. As tribune, Clodius then impeached Cicero for his method of breaking up Catiline's conspiracy, and Cicero was banished.

But Clodius grew too bumptious as the "friend of the people." He had real power, for he was apparently the first man to organize the roughnecks of the four tribal quarters of the city along modern Tammany lines. So he was "put on the spot." Milo, the chief killer for the other party, ambushed him on the Appian Way. Then Caesar became very indignant and active, and had Milo banished for the crime. He knew how to handle gangsters.

It is impossible to get at the truth about Catiline's conspiracy. We are forced to depend entirely upon the writings of Cicero and Sallust, one of whom was his prosecutor and both of whom detested him by instinct and tradition. But certain matters connected with the prosecution are clear beyond peradventure. Catiline, like Caesar and Crassus, belonged to the popular party, as against the old "safe and sane" party of land-thieves, of which Cicero was the spokesman in the Senate. These old crooks saw a great chance to discredit all the leaders of the rival party, and Plutarch says that Cicero was much blamed for not having contrived to put a final quietus on Caesar — whose only offense was that he made a mild speech in which he said that he saw no occasion for lynching the arrested conspirators, simply because a lot of Senators were excited. But attacking Caesar was too dangerous. The rumor that an attempt was being made to implicate him caused so violent a public demonstration that even the implacable Cato was frightened. To quiet the people he ordered a

monthly distribution of wheat at a cost, to the public treasury, of about \$1,100,000.

As it was, in his eagerness to do the bidding of his party leaders, Cicero overreached himself in the subornation of perjury. The day he denounced the conspirators as men who were planning to butcher the wealthy and seize their possessions, he introduced in evidence a letter which thoroughly incriminated Crassus as one of the chief backers of the plot. This was too ridiculous. Even a partisan and panic-stricken Senate declined to swallow it. It was as if some one were to come forward today with a letter proving that John D. Rockefeller was backing the Communists in a plot to kill all the rich men and confiscate their property. Crassus himself told Sallust that Cicero had obviously produced this forgery with the idea of frightening Crassus to such an extent that he would not dare come to the financial aid of the accused.

Under our law Cicero's whole case might have broken down at this point — "false in one thing, false in everything." Perhaps he had the same idea. Anyway, on the night of their arrest the accused men were quietly strangled in prison. This saved them the annoyance of a formal trial to determine whether they were guilty or not. It was for this crime in office that Cicero was later banished.

Only the fact of his great wealth made the charge against Crassus absurd. His character was not admirable. He was a shrewd and miserly racketeer, with the soul of a pawnbroker. He invented a sort of reversed fire-insurance racket which laid the foundation of his immense fortune. After the Gauls had sacked the city, great sections of Rome were rebuilt with tottery wooden

houses on narrow crooked streets. There were many fires, and sometimes these jerry-built old houses simply fell down.

Crassus saw great possibilities in this situation. He got together about five hundred well-trained slave carpenters and masons, and with this equipment he was ready to cash in on fires and similar catastrophes. "He made it his business to buy houses that were on fire and others that joined upon them," says Plutarch, "and he commonly had them at a low price, by reason of the fears and distress the owners were in about these events. Hence, in time, he became master of a great part of Rome." He must have had some sort of private fire-alarm system; or, more probably, advance knowledge of where fires were going to break out. It never seems to have occurred to anyone that there were a remarkable number of these conflagrations in a short time.

A large part of Crassus' fortune was the result of a financial working alliance with Sulla, during the latter's bloody rule. Sulla did not want confiscated real-estate. He wanted the cash, to shower on prostitutes and pet gunmen. So Crassus turned the real-estate into cash at bargain prices.

The fact that he was working hand in glove with Sulla and, a little later on, was the close ally of Caesar should occasion no surprise. He could change political parties with all the facile agility of a modern statesman. He went where he could get the most money. He was also like a modern political boss in that he cultivated an affable manner, was always accessible, and ever willing to do anyone a favor — if he saw a prospect of ultimate gain for himself. He established a reputation for generosity of a sort by lending money without interest; but as



he always insisted on full payment the day it was due, this was by no means so generous as it looked. Payment often involved heavy sacrifice on the part of the debtor.

By these and similar means he became enormously rich. While he was in office he consecrated one-tenth of his all to Hercules. He gave many public entertainments, one of which lasted for weeks and included a three months' supply of bread-stuff for every citizen of Rome. This must have entailed an outlay of four or five million dollars. As has been noted, he was Caesar's political backer at all times, and this cost him plenty. But after all these expenditures, he still had about \$10,000,000.

Vanity was the death of him. Envious of the military fame of Caesar and Pompey, he tried to be a soldier. He sadly needed a manager to pick out opponents for him; for, of all people, he chose the fierce and warlike Parthians. They killed him.

It does not lie within the scope of this work to discuss political warfare in Rome, aside from mentioning that all these parties had a common motive — the exploitation of the saps. Cicero's friends were thieves of public and private lands, the spiritual and material heirs of ruthless racketeers, who, by force and fraud, had robbed the citizens of Rome of their patrimony and had hired the murderers of the Gracchi, when the illustrious brothers tried to make them disgorge. Marius, Caesar, Catiline and their gangs wrapped themselves in the togas of the Gracchi, but only as a cloak for their own racketeering; just as in our times the crooked officers of Harding's administration made emotional public speeches about the "martyred Lincoln," who was a Republican also — but not likewise.

After the assassination of Caesar, his friend and ex-



ecutor, Marc Antony, invented the use of "spirit writings" as an aid to racketeering. He did not call them "messages from the Beyond," but the man in the street did. Antony had possession of all the dead Dictator's papers. He persuaded the Senate to pass a decree making the posthumous will of Caesar, as shown in existing letters and memoranda, the law of the land. So whenever Antony wanted to work a racket of some sort, all he had to do was come forward and say, "Well, well! I've just found this memo of Caesar's in which he strongly urges so-and-so." His work finally became so raw that the people began humorously calling these documents "letters from the Styx."

Antony had to give up this racket because of the growing influence of young Octavius Caesar. These two, with Lepidus, then formed the Second Triumvirate. But Antony went out East, became infatuated with Cleopatra, and was finally crushed by Octavius at Actium. Cleopatra, by the way, adopted for reasons of expediency the policy of being true to all Roman generals who came that way. Beside being Antony's mistress, she had had a child by Caesar, a boy called Caesarion. It was only when Octavius declined to join the procession that she killed herself.

The informers, of whom there has been mention, were quite noticeable in the last days of the Republic. Many high school boys will remember that Cicero complains of them in his *De Officiis*. He thought that citizens should bring charges in cases in which they had no personal interest, only where some grave public wrong needed attention — and only then after serious consideration.

As in Athens under the Solonic code, this racket of

informing grew from the seed of good intentions. It was the duty of an upright citizen to denounce wrong and wrong-doers. It appears that there was a brief period in the early days of the Republic when this virtuous action was its own and only reward. But it rapidly developed into a racket with enormous compensations, legal and illegal. The informer might be admitted to Roman citizenship; and sometimes he was even given a seat in the Senate as a reward for this "public service" — the public service being rendered, of course, only in those cases where the threatened man could not, or would not, pay enough blackmail. Under the Emperors he seldom had the option of paying blackmail. His whole estate was the stake. Nor was this pleasant trade largely confined to a professional group of *sycophants*, as it was in Athens. From the highest to the lowest, men of all classes worked at this racket when it was convenient or profitable. Lawyers seem to have been the worst offenders.

The evil reached its full growth under the Empire. Despots and informers have always gone hand in hand, and their prey is always at last the wealthy class. (The well-to-do Babbitt among us, who is wont to look as wise as an Australian tree-mouse and solemnly observe that "what we need is a Mussolini," would do well to ponder this historical fact. He might get a Mussolini.) In the days of the Emperors the big guns among the informers were called *delatores*, and their chief weapon was the *law of majestas*. This was a law such as Mussolini has, after a lapse of many centuries, again put into effect in Italy. It provided that any one who by word or deed, or even by his way of living, seemed to imply the slightest criticism of the ruler or of the existing

order, became a "public enemy." Any rich man, or dangerous political leader, or private enemy, could be attacked under this law, and it made very little difference whether he was guilty or not. Tacitus says it became the common custom to attach the charge of treason to every case where there was money to be had. It was as if a man today might be charged with obstructing traffic — and treason; or disturbing the peace — and treason. It was like the "impiety" racket of the Athenian informers. Indeed, as the Emperors were usually "divine," it was quite similar. In order to stimulate the industry of the delators they were given one-fourth of the estate of the convicted, and the Emperor received the other three-fourths. The accused men so often took the desperate step of committing suicide before they could be brought to trial, in order to save their fortunes for their families, that something had to be done to protect a hard-working informer against this injustice. At last a rule was adopted whereby the trial proceeded exactly as if the accused were alive; the suicide became a presumption of guilt, and the informer and the Emperor divided the estate.

According to some of the old writers — Tacitus and Pliny, notably — many of these delators became enormously rich, even as wealth was rated in those flush times. They themselves were, of course, protected by the Emperor. The good emperors — there were a few — suppressed these harpies from time to time, at least partly, but they always came back. Vespasian abolished the worst feature of the racket, the law of majestas, but he did not interfere with the racketeers in any other way. They were still working profitably when Rome at last sank beneath the barbarian flood.

Tacitus says that the Emperor Tiberius should be given the credit for raising this informer racket to the dignity of a big business. Up until his day the law of majestas was much the same as our law of treason. The government took cognizance of deeds, not words. But in the reign of Tiberius a writer named Cassius Severus began ridiculing the manners and morals of the eminent, with a satire that bit. Tiberius, a vain and malignant monster, was at the same time infuriated by the circulation of some ribald verses which glanced at his pomposity, cruelty, and family relations. There was nothing to connect Severus with these anonymous lampoons, but Tiberius prevailed upon the Senate to stretch the law of majestas far enough to reach that satirist. (Augustus had already stretched it considerably in that direction.) In view of what Severus had been saying about them, and their families and friends, it is probable that the Senators did not need much persuasion or coercion, and that they did not realize that in thus illegally condemning Severus they were establishing a terrible precedent. It was meat for the informers.

One of the first of these to attain prominence was a shyster lawyer called Romanus Hispo, "who had lately set up the trade of an informer; that detestable trade which, by the iniquity of the times, and the daring wickedness of the vile and profligate, became afterward the source of wealth and splendor. Obscure and indigent, but bold and pragmatismal, this man by secret informations pampered the cruelty of Tiberius and wriggled himself into favor. By his detestable practices he became formidable to the first characters of Rome. He gained the ear of the prince, and the hatred of mankind; leaving an example by which the whole race of his fol-

lowers rose from beggary and contempt to wealth and power.”

Hispo first appears as an accuser of Granius Marcellus, praetor of Bythinia, who was charged with extortion and with having spoken defamatory words against Tiberius. Marcellus had just returned from Africa, but Hispo cleverly testified in open court — in the presence of Tiberius — that the provincial officer had accused the Emperor of all his rotten vices and acts of corruption, which were of course as well known to Hispo as to the other men of Rome. Tiberius was so furious that he broke into the proceedings in the Senate and demanded that he be allowed to vote first on the question of the defendant's guilt. This was too much, even for those days. “Expiring liberty showed some signs of life” in the bosom of the fearless Cneius Piso, who faced the enraged despot down. Marcellus was acquitted of the treason charge, and the extortion case was turned over to the proper tribunal.

This was one of Hispo's few failures. He grew great and rich; but he was premature in accusing Seneca in connection with Caius Piso's conspiracy, and that was his ruin.

The framing of Libo Drusus, a very wealthy and noble young man, established the model for high-grade informing. Drusus was quite harmless, but he seems to have been really interested in the astrology of the Chaldeans, in dream interpretation, and other occult studies. His wealth and his descent from the Caesars made him a shining mark. Firmius Catus, another shyster lawyer who was a member of the Senate, made a close friend of Drusus, and then informed Tiberius that the young man was plotting to remove the Emperor through the

black arts. Tiberius told him to wait and watch. Catus took in another informer, named Fulcinus Trio, and they then persuaded Drusus to send for one Junius, who would give him an exhibition of bringing the dead to life. Drusus fell into the trap, and Trio denounced him.

Two other informers declared themselves in on the racket. At the end of the first day of the trial Drusus saw that he did not have a chance, so he killed himself. The four informers were permitted by the Emperor to split up the immense estate.

It was Tiberius who introduced the rule that even if a man committed suicide, his estate was to be forfeited. Otherwise, the informer's fourth of the blood money would have to come out of the public treasury. Tiberius also pointed out in the Senate that the new rule would energize the profession of informing.

Another deft legal trick was introduced in the trial of Drusus. Under the Roman law a slave could not be put to torture in order to make him testify against his master. Rome differed diametrically from the Athens of Pericles in this respect. That was the first and favorite method of getting evidence against the accused in the Attic courts. In order to evade the Roman law, Tiberius ordered on the first day of the trial that all of Drusus' slaves should be sold forthwith to the public officer. As they were no longer the property of Drusus they could then be tortured. When the Emperor brought forth this scheme Drusus asked for an adjournment until the next day, and committed suicide in the night.

Firminus Catus continued to operate prosperously as an informer, from the vantage ground of the Senate, until he finally overreached himself. He brought such

outrageous and preposterous charges against his own sister that the Senate expelled him and ordered him banished from Italy and Africa. Tiberius saved him from the second part of the sentence.

Another of this quartet, Vibius Serenus, although he had received one-fourth of the Drusus estate and had been made governor of Further Spain, had the gall to write to Tiberius and complain that this was not enough. The tyrant gave him a taste of exile on an island in the Mediterranean. Then his own son, probably at the instigation of the Emperor, accused him of having plotted the assassination of Tiberius. This promising youth also implicated another rich man named Caecilius Cornutus. The latter promptly killed himself to save trouble. The elder Vibius was convicted on the perjured testimony of his son.

Cremutius Cordus, a historian, was condemned to death for criticising the unspeakable Aelius Sejanus, chief of the Praetorian Guards. The pretext was that in his history he had spoken highly of the patriotism of Cassius and Brutus, chiefs of the conspirators who killed Julius Caesar. Another rich man, one Helvedius, produced a play in the time of Domitian, based on the loves of Paris and Oeneone. The informers found this to be a reflection on the private life of the Emperor, and he was executed.

The younger Pliny escaped the same fate only by the timely removal of Domitian at the hands of an assassin. "I should have been the victim of an impeachment had Domitian lived longer," he wrote. "In his portfolio was found a paper containing an information against me by Carus." Carus Metius was a notorious delator in Domitian's reign.



The histories of the days of Tiberius, of Caligula, Claudius, Nero, and Domitian reek with the machinations of these creatures. Tacitus sums it up in these words:

“ Nobility, wealth, the refusal or acceptance of office, were grounds for accusations, and virtue insured destruction. The rewards of the informers were no less odious than their crimes; for while some seized on consulships and priestly offices as their share of the spoil, others on procuratorships and posts of more confidential authority, they robbed and plundered in every direction amid universal hatred and terror. Slaves were bribed to turn against their masters, and freedmen to betray their patrons; and those who had no personal enemies were destroyed by friends.”

So much for the informers — a delectable lot.

Aelius Sejanus, previously mentioned, was the first racketeering chief of police who ever tried to steal a great empire. And he very nearly succeeded. Sejanus was of obscure origin, and Tacitus says, in effect, that as a youth he first came into the favor of the great by being unable to understand what the two angels found objectionable in their reception at Sodom on the night before the city was destroyed.

Tiberius made him commander of the Praetorian Guards, who were the police force of the Imperial City and the special guard of the Emperor. It was a place of trust and power; and, through the employment of informers and by other means, Sejanus used the office adroitly for his own ends.

His unvarying success in all forms of skulduggery at last led him to see that there was no reason why he should not be emperor in name, as well as in fact.



Tiberius, at this time, trusted him blindly. Sejanus' first move was to eliminate the natural heirs to the imperial dignity. Tiberius had one son, named Drusus. Sejanus seduced his wife, and persuaded her to poison her husband. He next proceeded to kill, or disgrace, the three heirs of Germanicus. This took some time, and at last Tiberius began to suspect what was really in the mind of his beloved minister. He set to work to trap him; for by this time Sejanus was grown so powerful that the wily Emperor was not certain it would be safe to strike at him openly.

The subtleties of plot and counterplot in this affair are not short of amazing. They may be studied in detail in the *Annals* of Tacitus. Sejanus at last felt that he was being out-guessed, and he formed a conspiracy to seize the throne. Everything seemed auspicious. The Emperor was, presumably, almost a prisoner in the hands of a detachment of the Praetorian Guards at Capri. The unmentionable Fulcinus Trio, one of the celebrated quartet of informers who had served Sejanus in the Libo Drusus case, was consul. Another informer, Satrius Secundus, who had been employed by Sejanus against the historian Cremutius Cordus, was his principal lieutenant in lining up the conspirators. The Praetorian Guards he had pampered and flattered until he was quite sure of their loyalty.

But Sejanus had made three errors. First, he did not realize that by remaining in Capri and giving him a free hand in the city Tiberius had made him the target of all the hatred and rage which the incredible doings of his informers had aroused. Secondly, he trusted the informer Satrius who, as soon as he was possessed of the facts of the conspiracy, hustled off to sell the informa-

tion to Tiberius. And, thirdly, in binding to him the Praetorian Guards he had paid no attention to the three cohorts who acted as peace officers in ordinary, and patrolled the city. These numbered fifteen hundred or two thousand men, and they were called *vigiles*, to distinguish them from the remainder of the Guard — fifteen or twenty thousand strong — who were a sort of super-reserve. Sejanus had evidently not thought it worth while to bother with the *vigiles*; and it so happened that they were commanded by one Graecinus Laco, a man of energy and integrity.

On the day that Tiberius decided to strike, Sejanus was lured to the Senate-house by promises of even greater honors to be conferred upon him. One Macro then took command of the Guards and drew them out of the city, giving as the reason for this move the promise of large donations of money to be made at their concentration camp outside the walls. Then Laco arrested Sejanus in the Senate. It was all perfectly timed. The fallen police chief was hurried off to prison and strangled in the night.

Though Sejanus failed he left behind a legacy to plague the Empire. The Praetorian Guards for the first time were conscious of their own power in the state, and they proceeded to exaggerate it until they were finally suppressed. These policemen became obsessed with the idea that the Emperor and the Empire existed solely by their permission, and for their benefit. Each succeeding emperor was forced to distribute large and rapidly growing gratuities among the officers and men; and he was also forced to keep on raising their pay, for fear they might become displeased with him.

When Caligula was stabbed there was no direct heir

to the throne. Some of the police, roaming about the palace, saw a pair of legs sticking out of a closet. They pulled on the legs and produced the next emperor — Caligula's Uncle Claudius. He was a harmless middle-aged man, just the right sort of ruler for a grafting police force; so about forty of these cops held a hurried meeting and declared him Emperor. He was not such a bad emperor, either, albeit his chief claims to fame are that he was the husband of the terrible Agrippina and the step-father of the equally terrible Nero.

The police shook down Nero all through his reign, and they racketeered far and wide. Whenever the Emperor worked off an exceptional little crime, such as the murder of his mother, he always paid heavily to the Praetorian Guards. They stood between him and the wrath of the people. Even when Galba and the other generals were closing in on him, Nero did not give up hope until the Praetorians, under the incitement of their prefect, Sabinus, declared for Galba.

Sabinus thus earned the gratitude of Galba, but he had made such fantastic promises of bribes that Galba could not possibly make them good. So the Guards killed him, and declared Otho emperor.

Under Commodus the officers of this police force were the real government of the Empire. They even decreed the tax-levies and handled the public money — the first offering unlimited opportunities for racketeering, and the second scarcely less limited opportunities for embezzlement. When Commodus was assassinated they offered the imperial crown to a doddering old senator named Pertinax. He was the son of a freed slave; but he had made a lot of money in the lumber

business, and he agreed to pay a staggering price for the purple. By dint of scraping, stealing, and extortion he could get together in the three months of his reign only half of the huge total the police had demanded. He turned this sum over to them and explained the situation. They lost all patience with him, and cut off his head.

As soon as the news of this accident to Pertinax got around the city his father-in-law, Sulpicianus, offered the police a respectable fortune for the vacant throne. While they were considering his proposition, another wealthy Senator, Didius Julianus, hurried out to the camp and made a larger offer. So the cops put the imperial crown up at auction, and it was finally knocked down to Julianus at a price no man in the empire was anywhere nearly rich enough to pay. Consequently, when that tough soldier, Septimius Severus, began to march on Rome with his army — which was quite surfeited with the idea of racketeering cops selling the crown of the Caesars to the highest bidder — the police force made no objection when the Senate condemned Julianus and executed him.

That was the end of this racket. When Severus had finished with these policemen, they were no longer a political factor.

Long before the Praetorian Guards were ever dreamed of, in the time of Catiline's conspiracy, the frightened Cicero referred to the guards around the Senate-house and wanted to know:

*"Quis custodiet ipsos custodes?"* (Who will watch those same watchmen?)

It is a question in government that has never yet been answered. So far none of our crooked police organiza-

tions has ever gone as far as the Praetorian Guards. But we are a young people.

"There is no new thing under the sun," sighed the blasé author of the Book of Ecclesiastes, weary of watching men and women through the ages make crooks of themselves, without even the evil inspiration to vary the basic pattern of their adventures in iniquity. Indeed, the impressive feature of racketeering from the beginning is the pathetically hopeful and egoistic ingenuity of the individual racketeer, and the drab sameness of his racketeering. He is always inventing a "new" racket, which was old before Babylon. It is only less remarkable than the eager sureness with which succeeding communities down the ages adopt the same old "new" cures for racketeering, which have been discarded as worse than useless by countless generations of their forefathers.

A lady in Rome, who had never heard of Naboth's vineyard, played the part of Jezebel with as fine perfection of detail as if she had been for years the understudy of the notorious harpy of the Old Testament. She was the scarcely less infamous Agrippina, wife of the Emperor Claudius and mother of Nero, and she "panted for the gardens of Statilius Taurus." Taurus had been a governor in Africa and had returned, extremely wealthy, to spend his declining years in leisure and luxury. The grounds of his home were conspicuously lovely, even in those days of rich settings. He was so wealthy that Agrippina knew it would be useless to make an offer of purchase. So she suborned his lieutenant, Tarquinius Priscus, to swear that Taurus had been practising black magic against the life of the Emperor. Knowing that he had no chance against this

accusation, in view of the source of the attack, Taurus killed himself and Agrippina got his gardens. Priscus got the informer's usual one quarter of the value; and, under Nero, he was further rewarded with the governorship of Bythinia. But when the Bythinians charged him with extortion, the Senate remembered how he had double-crossed one of their own family of crooks and fined him all that the law would allow.

Another building racket which belongs to our own generation is recorded in the reign of Tiberius. A grafting contractor named Atilius, the son of a well-to-do freedman, undertook to build a great circus for gladiatorial games at a place called Fidena, in the neighborhood of the capital. These huge structures, built entirely of masonry, were exceedingly costly and inevitably invited racketeering. "The profit that might arise from such a scheme was all that he had in view," remarks Tacitus, sourly, of this contractor.

Then, as now, the building of a proper foundation for a great heavy structure was among the largest items in the total cost. Atilius evaded this expense by the simple expedient of not building any foundation at all worthy of the name. He also skimped the superstructure in such a way as to render the whole thing a splendid death trap.

On the opening day a vast multitude swarmed out to see the games in the new circus. Men, women, and children filled it from top to bottom, and thousands stood about the walls outside, unable to get in. Then the whole structure suddenly collapsed, and "laid a scene of ruin equal to the havoc of the most destructive war."

"The condition of those who perished instantly was the happiest," says Tacitus. "The maimed and lacerated

lingered in torment, beholding as long as daylight lasted their wives and children in equal agony, and during the night pierced to the heart by their shrieks and groans.”

Suetonius puts the loss of life at twenty thousand, but Tacitus says that at least fifty thousand were killed. The Senate was so shocked that it passed a decree providing for an increased measure of inspection for public buildings in the future; but nothing was done about the officials who had permitted Atilius to perpetrate this butchery. The Senate also banished Atilius, who departed from Italy with his loot.

Aside from the few cases mentioned, there is not a great deal of reliable data on building rackets in Rome. One emperor boasted that he had “found Rome brick and left it marble,” but he did not say what it had cost, nor how the contracts were handled. There was a Bigger and Better Temples movement, as there is with us today.

[Note: The Pantheon stood for centuries as the greatest concrete dome ever constructed. For all the writer knows, it still holds that record. There is nothing in the ribald suggestion that this “concrete dome” was intended as a delicate memorial to the skulls of the saps who had paid for all this. It was really a place of worship.]

It must not be inferred from this that religion was at all taken seriously, excepting in conforming to religious observances. These activities usually have the reverse significance. The farther a people in their hearts depart from their God, the larger and finer are the houses they build for Him. Solomon went over to the worship of unspeakable gods, shortly after he had completed the famous Temple of Jehovah. These places are orna-



mental, and they are spiritually soporific to the builders. One December day, some years ago, the late Dr. Clarence Shipman (afterward Suffragan Bishop of New York) preached a noteworthy sermon in an expensive church on Fifth Avenue. His subject was: "Do We Want Christ at Christmas?" The answer was, "No!"

This brings to mind that in the reign of Augustus there occurred an important and but little noted event. It was in the Golden Age of the great Roman Peace. The gates of the Temple of Janus, always open in time of war, were closed. From the Euphrates to the Western Sea the land lay tranquil in the grip of the Legions and the Law.

In this time of universal peace Jesus Christ was born in a little town of an Eastern province. Later on He was crucified because He grew up to be a reformer. But men carried His words throughout the empire.

Rome at this time had achieved a level of material well-being never yet equalled on earth. Money, food, wine, baths, clubrooms, lectures, libraries, games, theatres — all were provided for the people of the fortunate city. There were no bread-lines and no doles. Men of standing and repute lived, in part always, and often entirely at the public cost. It was a great community of racketeers, feeding on the saps of the world.

Liberty was dead; and who hungered for righteousness heard but a cry. But no one cared. Consider this picture, in Nilsson's *Imperial Rome*, of the daily life of a Roman in those halcyon times:

"The games began early in the morning, and lasted till towards evening, so that the Roman's whole day was occupied. But what was he to do when no games



were being given? Then he could spend his day in the *thermae*, which were far from an ordinary warm bath. In particular they were places where one could kill time, meet friends, converse and gossip. They were a substitute for the cafes of today. . . . In the *thermae*, moreover, they were surrounded by all the luxury which only the Emperor could afford — great halls of state with columns and walls of costly marble, while statues and famous works of art were erected within the building and in the surrounding gardens. After the bath they had, if they wished, an opportunity of devoting themselves to athletics. In the *thermae* there were usually two or three *palaestrae*, or exercise-grounds. Nor was opportunity for mental relaxation wanting, if desired. There were lecture rooms and sometimes libraries. The *thermae* were veritable palaces of physical culture, nor was the craving of the intellect for cultivation neglected there; but they must generally have been used to kill, in comfortable indolence, time which people would or could not apply to useful work. . . . The chief privileges which fell to the lot of the population of Rome are the more conspicuous because they have no parallel in our time. . . . Rome was a city which conquered the world and enjoyed the profits thereof.”

And now history presents a curious paradox. The more the material amenities of living increased, the more men lost the savor of life itself. The more they had, the less they wanted it. They grew bored with baths and weary of wine. At last power, wealth, luxury, all became as ashes in the mouths of thousands, and they suddenly turned from the worship of these things to the worship of the lowliest God the world has ever

known — a God on the gallows, who proclaimed that all there was of value on earth was in one thing alone, the soul of man. . . .

Here and there today we occasionally run across some one (evidently escaped from his keeper) who holds the quaint notion that there may be somewhere in this strange old story the glimmer of an idea for us, who have sold our birthright for a mess of open plumbing.

## FOUR

### Barons, Bishops, and Other Robbers

ANY royal family of our day can easily trace its ancestry back to a successful racketeer — usually a robber baron. The proud descendants of Charlemagne enjoy the distinction of dating back to a double-crossing captain of palace police, who betrayed the man he was sworn to defend.

He was called Pippin, or Pepin, the Short — a surname which might have applied with equal accuracy to his moral or physical stature. He was Mayor of the Palace to the last of the Merovingian kings; and his career was evidently modelled upon that of Aelius Sejanus, the chief of the Praetorian Guards who tried to steal the Roman Empire from Tiberius. For some generations the Merovingian kings had been merely weak-minded noodles, so accustomed to perishing by the knife or the poison cup that they would probably have declined to die in any other way. Pippin's immediate forebears had long been the real rulers of the land. One of them attempted, unsuccessfully, to seize the throne; but he did succeed in making the office of chief of the king's household guards hereditary in his family.

Pippin, who was the father of Charlemagne, approached Pope Zacharias with this proposition:

“Who ought rightly to be king — he who sits at home in idleness or he who bears the toils and dangers of government? ”

This was not a very hard one for the Pope to answer. Doubtless Pippin's manner of introducing the subject suggested: "Before you pass on the petition which I hold in my left hand, I wish to call your attention to the nice new butcher knife which I hold in my right." Furthermore, the Holy Father was having his chronic troubles with his neighbor, the King of Lombardy, and Pippin's help was worth bargaining for. So the bargain was made; and the Pope issued a Bull declaring that he had conferred the crown on Pippin, and threatening all and sundry with the wrath of the Church if his authority was questioned.

In this manner Pippin paved the way for the mighty empire of his son Charlemagne; and the grand racket of feudalism was launched upon Europe.

[Note: The writer regrets that a fine sense of historical fidelity forbids him to state that this was the origin of the well-known saying, "He was a pippin." It should have been.]

Ludicrously clumsy, and bearing in its very nature an irresistible centrifugal force which constantly broke nations into pieces, feudalism made an interesting contribution to the story of racketeering. It almost abolished illegal racketeering by the simple process of making virtually all racketeering legal. The "saps" not only did all the work, but they had no rights of any kind which a feudal lord was forced to respect. In effect, the seigneur could make up laws as he went along.

In these early centuries of the Middle Ages, when the Salian Franks were establishing themselves as the permanently ruling people of central and western Europe, the population was almost wholly agrarian — fixed to the soil. Trade, commerce, and the crafts were at a low

ebb. And, as has been remarked, racketeering in the modern sense is always closely associated with highways and markets, and kindred appanages of a more complex social order. As the feudal lord had the legal right, or the power, or both, to practise any form of extortion he pleased, and as his victim did not even have the legal right to move away, there was at first little room for unauthorized racketeering.

Moreover, it was a simple matter for the seigneur — and wholly to his advantage — to keep down all racketeers, other than himself and his own gang. Successful racketeering involved proper equipment in those days, just as it does today. But in early feudal times the equipment was costly, and was forbidden to the unauthorized racketeer. He needed a strong, well-trained horse, a fairly expensive suit of armor, a good sword and other costly items of this sort. Thus equipped, the seigneur and his men-at-arms were unmoved by odds of two hundred to one. Bands of low-grade robbers and rebellions of the saps had no terrors for them. The lower orders were entirely without defensive armor, and possessed only the crudest of weapons. Attacking a mail-clad warrior with a bill-hook was about as fruitful of results as assaulting a battleship with a tack-hammer.

Not until the invention of gunpowder was racketeering put on a more democratic basis. Almost anyone today can buy or steal an automatic pistol, which is all a gangster really needs. As one racketeer put it:

“Smith & Wesson made all men equal.”

Organized racketeering was the dream of the great men of the early Middle Ages no more than it has been the dream of great men in any day. Charlemagne and Pope Leo III. had quite another vision of the feudal

system. Charlemagne was already emperor of a vast domain that stretched from the Ebro to the Oder, and from central Italy to the North Sea. But he accepted from the Pope the title of "Emperor of the Holy Roman Empire." The Pope was to be recognized as the spiritual ruler of the earth, under God. The Emperor was to be the temporal ruler. They would support and sustain each other. Under them would be bishops and abbots and lesser priests, counts and viscounts and bailiffs, administering their charges and performing their duties in the spirit of Jesus Christ, so that the weakest and most defenseless might live in peace and security. With the possible exception of the preamble of the unholy *Holy Alliance*, there is nowhere in the state papers of the world a nobler aspiration than that set forth in the opening lines of the *Capitulary* of Charlemagne:

"The most serene and Christian Lord, the Emperor Charles, has chosen from his nobles the wisest and most prudent, archbishops, venerable abbots and pious laymen, and has sent them out to all his realm and ordained through them to all his subjects to live according to the law and the right. He has ordered them, moreover, that, where anything is contained in the law that is otherwise than according to right and justice, they should inquire into this most diligently, and make it known to him: and he, God granting, hopes to better it. And let no one, through his cleverness or astuteness — as many are accustomed to do — dare to oppose the written law, or the sentence imposed upon him, or to prevail against the churches of God, or the poor, or widows, or minors; or any Christian man. But all shall live together according to the precept of God, in a just manner and under just judgement. . . ."

The whole document is well worth reading, but this is enough to convey the idea. The Emperor was sending out judges in pairs — a noble and a churchman — to hold courts throughout his lands, and thus to wipe out abuses which had already grown great — another instance of an earnest reformer hoping, by a change in some little cog-wheel of government, to thwart one of the worst and strongest instincts of man. In practice, of course, these traveling courts accomplished nothing in the way of justice for the lower orders. Even if justice had not been sold, denied, delayed, as shamelessly in those days as in our own, it was too much to expect that these highborn nobles and prelates would, in the interests of mere decency, favor an oppressed member of the lower orders as against one of their own caste.

Serfs had no rights, political or economic. Free farmers and craftsmen — the latter were mostly servile in the beginning — had some economic rights under the emperor; but, practically, under the feudal lord, they had none. There were local courts, ruled by a bailiff or some such officer, but as he was invariably a creature of the local count or bishop, the freeman did not have much chance.

Theoretically, the free farmer was obligated to pay only annual rental for his land. This might be a fixed amount in money or kind, or might be merely a percentage of the crops. Under certain circumstances he was also required to do limited military duty. That was all. As a matter of fact, an ambitious or avaricious seigneur was checked in his extortions by only one consideration — “enlightened self-interest.” He usually found it wise to leave the sap with enough physical equipment and mental hope to carry on from month to month and from year to year.



When John, or Hans, or Jacques Bonhomme had paid his yearly land rent, he had only just begun. The lord of the manor came down on him with another tax on the ripened crops — a sort of “fruit tax.” Then there was a tax on each beast of burden and a “sales tax” which covered every possible minor transaction, in produce or money, between Hans and his neighbor, or in the “open market.” There was a tax for using any roadway in the lord’s dominion, in person or for moving goods, and the very privilege of having a fire in his house to cook his food had to be purchased from the feudal master. He could not catch a fish nor take home a single stick of firewood without paying a tax. There was only one grist-mill: the seigneur owned it. Hans had to pay for permission to grind his grain — and of course there was the impost for using the road to and from the mill. He was forbidden to bake his bread at home. The seigneur had ovens which Hans must rent. On the same terms he pressed his grapes in the seigneur’s wine press. The seigneur owned the only weights and measures. Hans paid for the use of them. He actually had to pay insurance money for the money he used; otherwise the value of it might be changed after it had been paid over to him.

If Hans or John or Jacques had anything left after all this, the reader might suppose that he would at last be allowed to take it to market and sell it. By no means. He could offer nothing for sale until the seigneur had disposed of all the tribute taken in kind. In this way the seigneur got the cream of the market and the saps got what was left.

Lest Hans should grow soft in this way of life, the seigneur could also command his labor — without pay



— for a certain number of days in each year, to build or repair roads, or to cultivate crops on the seigneur's own land. He could escape this *corvée* only by paying the equivalent of his labor in coin or crops. If a craftsman attempted to take any of the goods remaining in his possession to a more distant and better market, he might be stopped by any feudal lord en route and forced to sell at whatever price the lord declared to be the current one in his domain.

In many parts of the land the seigneur also asserted a right to all virgins. Thus, when a girl was married she might be taken immediately from the altar to the seigneur's castle. The bridegroom could have her next day. This was called the "right of the seigneur," or the "right of the first night."

All of this was illegal at one time or another, but that fact no more interfered with rackets than it does today. The seigneur had soldiers in his castle. Hans paid whatever was asked, or else — !

[Note: To a disquieting extent history shows that if a racketeer can keep his racket working long and successfully enough, it will become a folk-custom; and, at last, a law.]

Lest we should begin thanking heaven too fervently that conditions such as these could not possibly exist in the great American Republic today, it might be well to glance at the *New York World-Telegram*, May 30, 1931, which printed the following, by Harry Elmer Barnes:

"The break-down of union organization among the soft coal workers of West Virginia has brought hardship to thousands of honest and frugal workers.

"The miners are at the utter mercy of the employers.

They have uncertain work, and low wages are paid. This is bad enough, but there is another form of exploitation which enables the mine owners to get the miners going and coming. The latter are compelled to buy their goods at company stores, which charge more than independent stores in the community.

"The Kelly Creek Coal Co. at Ward, near Charleston, West Virginia, discharged a number of employees recently for trading outside the company stores . . ."

Then follows a long list of comparative prices of the necessities of life, showing that the company stores charged from twenty-five to fifty percent more than the independent. In some of these mining communities the workers are compelled to accept their pay in "company money" so that they cannot trade anywhere else — and cannot get away from the mines.

Likewise, in great sections of Pennsylvania the local government, including the police power, is wholly in the hands of the great mining and steel companies, and the Constitution of the United States has but little standing. The Bill of Rights, which guarantees the civil liberties of the citizen, is looked upon as a piece of humorous literature.

Referring to these evidences of the advancement of civilization, in an address before the American Steel and Iron Institute, May 22, 1931, Mr. James A. Farrell, President of the United States Steel Corporation, as reported in the *New York Times*, said:

"Thank God there was no destitution at the mines of the company that employs me, but of all the squalor and all the misery that I ever witnessed, in some of the mines of West Virginia and in the Eastern part of Kentucky, it beggars description."

The syntax was borrowed from Milt Gross or Montague Glass, probably under the stress of genuine feeling; but the meaning is perfectly clear. Mr. Farrell was shocked, although steel executives are seldom squeamish about labor conditions.

Returning from these fields of light to the bad days of the Dark Ages, the extortions of the seigneur were by no means the end of the story. Now the Church came along. Its chief instrument of extortion was the tithe. Its chief weapon of extortion was more terrible than the sword-blades and the spears of the seigneur's mercenaries. It was the wrath of the Church. These people believed quite simply and devoutly in Christ the Saviour, and they looked upon churchmen as commissioned officers of His divinely ordained Church, endowed by Him with the power to bind and loose. They were feared proportionately.

The tithe was one-tenth of all that Hans produced in the year. This was reckoned, of course, on the basis of the whole output, not merely on what remained after the seigneur had finished his squeeze. Probably agricultural experts would agree that, even under the most favorable circumstances, there could hardly be a system of dirt-farming which would not be ruined by a tax of ten percent of the gross produce. But like the land-rent of the seigneur, this was only the beginning. There were special fees to be paid at birth, at baptism, at marriage, at death — on every occasion that rapacity could invent and terror execute.

In those cases where the feudal lord and the spiritual lord were one and the same, the combined extortions bulked a huge revenue, and made the bishoprics the most coveted of all fiefs. Sometimes these were at the

disposal of the emperor or king, and sometimes under the control of the Pope, depending on which power was for the time being in the ascendancy. Although good emperors and good Popes tried hard to stamp out the practice, these bishoprics were generally bought and sold like so many bushels of wheat. "Benefices," in certain times and countries, went the same way — so much for how much. A minor officer of the Church might have two score or more of these "livings" scattered about the land, with which he had nothing to do except to collect the revenues. This evil of "plural livings" continued in the Established Church of England down to the present time. In Queen Victoria's reign, churchmen were limited to two livings and these must be within three miles of each other. But the custom had endured for many centuries. The Middle Ages was the age of miracles, and perhaps no one thought it strange that a priest should undertake to occupy forty churches at once.

It was along in the eleventh century that the abuse of "indulgence selling" began. The notorious Baldasare Cossa, who became Pope John XXIII., is credited with having invented this racket, and the credit is probably given in the right quarter. Cossa was a bad egg. There is strong reason to believe that he poisoned his predecessor, and he was finally deposed and stripped of all churchly dignities by the Council of Constance. The Council also burned John Huss, the Bohemian reformer, who had argued that a good conscience might be a better guide than a bad Pope. Cossa was afterward restored to high position in the Church, but Huss remained burned.

The revival of craftsmanship and commerce, and the wider use of coined money, brought about a renaissance

of racketeering in the good old modern way. Groups of craftsmen, encouraged by the Church, began forming feeble little associations in their towns under the shadow of the seigneurial towers. At the same time, the inherent weakness of the feudal structure became plain.

This weakness lay in the failure of the feudal philosophy of government to recognize the fact that the sovereign must himself hold the three primary attributes of sovereignty, or cease to be sovereign. These three essentials are:

1. The power of taxation.
2. The administration of justice (which, of course, includes the police power.)
3. The ownership of highways.

If the sovereign delegates or loses any of these three, the tendency is to lose the remaining two — and with them the sovereign power. This was even less understood in those days than it is in our time, although the rule has the same force today. The difficulties of communication and the constant danger of invasion impelled the sovereign to part with these powers to his feudal lords, especially to those who were charged with the responsibility of guarding the frontiers. Consequently they became more powerful than the central government. A new nation gathered around the strongest of these feudatories and the same process began all over again.

By way of illustration, the Dukes of Lorraine for generations held the balance of power between the German emperors and the kings of France. When the latter finally forced the lords of the Lorraine to give up to the throne the control of the highway to Metz, their importance rapidly declined — just as our railroad barons have declined in political importance since the

Federal government has re-asserted its control of this form of highway taxation and administration.

So it came about that crown, Church, and feudal lord no longer saw eye to eye as to their own interests. The little clubs of craftsmen began playing the power of the throne against the lord of the manor, or the Church against both; for they worked any combination of the three which promised more power and privileges to themselves. In this way the great guilds and the powerful Free Cities came swiftly into being, and our style of racketeering was joyfully resumed.

A not unimportant element in this movement was the oppression of the lower clergy by the upper lords. For instance, holders of great monastery lands had officers, called *advocati*, who collected the revenues, fought the battles, and conducted the lay courts. These proceedings offered unlimited opportunities for rackets at the expense of the monks, who had no appeal — or, at least, no appeal which was worth making. So profitable was this graft that even great feudatories were not above holding as many such jobs as they could acquire. But the *advocati* were, for the most part, minor nobles who frequently waxed fat and powerful by these means. This system of racketeering made for a fellow feeling between the exploited monks and the lay victims of extortion.

The cities became places of refuge and grew amazingly. Some historians estimate that by the beginning of the twelfth century at least one tenth of the whole population of central and western Europe was urban.

As the cities rose in number and power, they often attained the position of great vassals of the crown, and the rackets of the feudal lords fell off in proportion,

especially among the smaller fry. These were not strong enough to extort money from the cities, so they devoted their energies to levying blackmail on merchants and others who were forced to use the highroads and waterways. Individual merchants and their armed retinues were no match for these robber knights and their professional fighters; and an individual merchant could rarely afford to hire a strong enough band of mercenaries to ensure the safe transit of his goods. If he was not stripped of all he had — and stabbed into the bargain — he had to pay ruinous blackmail. These racketeers always had their castles at strategic points, near ferries and fords, at main crossroads, at the confluence of important streams, and along the banks of much navigated rivers — where, too, of course, there were always important highways.

Commerce was the life-blood of the cities and it could hardly be carried on under the burden of this racket. Occasionally a far-sighted emperor or a powerful lord wiped out a few of these robber barons and destroyed their castles, but there were always plenty of them left. A tough German ruler named Arnulf hanged all he could find in North Germany and in the Mark of Brandenburg. Unfortunately, he overlooked some of the Hohenzollerns. They continued to thrive until quite recently. (The name itself has to do with “high tolls.”)

Yet another trade risk of those days lay in the bands of lawless and masterless men who infested the great forests, and lived by the methods of the robber barons. The famous English outlaw, Robin Hood, was one of the most celebrated of these. Another was the “Wild Boar of Ardennes,” who for some time terrorized the lower valley of the Meuse.



The cities met this problem pretty much as our merchants meet it today. They banded together and bought off these racketeers, hired one leader of gunmen to protect them from another, or hired mercenaries to safeguard their goods.

The saps of the Free Cities were now in for a long spell of government by "business men." They did not like it. In the early days, when close union and co-operation were demanded by elementary instincts of self-preservation, all classes worked and fought side by side in harmony and clean communal justice. The merchants and big traders and industrialists being the wealthiest class, and having therefore more leisure, were naturally entrusted with the strong boxes and administrative offices. This was the beginning of the end of the generally democratic and fraternal life of the cities. A new order of aristocracy came to the top — the "Napoleons of commerce." They adopted many of the old feudal rackets, and invented a number of new ones which must have made the old seigneurs realize how decadent and unimaginative an hereditary feudalism can become.

[Note: The owl-like faith of the sap that it is better to have a rich man than a poor man in a place of power, because the former cannot be bribed, is quite old. We have never learned the obvious fact that, as G. K. Chesterton puts it, the rich man is already bribed. Not long ago a number of western Senators were terribly indignant with Secretary Mellon for not wanting to bear down more heavily on the "upper brackets" of the income tax. As Mr. Mellon is one of the richest men in the world, it is impossible to conceive that any one could have entertained the weird notion that he would urge



the Government to take nearly all of his income and give the money to us. Even his bitterest critics have never accused Mr. Mellon of being feeble-minded. Moreover, it is the exceptional rich man who feels that he has enough.]

Through the guild organization the control of a citizen's economic existence and of his political liberties came inevitably into the hands of the same group of men. This is the show-window philosophy of the Fascists and the Communists; and, superficially, there is much to be said for it. If described in five-syllable words, whereby a sap becomes a "proletarian," the thing has a fair and attractive exterior. There is, however, one defect in it. It has hell in its bowels, as the poor saps of the "free" cities were soon to learn.

When this combination of bourgeois and working classes was fighting for liberty from feudal tyranny, there was a brief period when the Free Cities were indeed free. The Germans had a proverb: "Town air makes a man free." In some cases this was literally as well as figuratively true. If a poor man escaped from a feudal lord and managed to remain in any one of a number of these communities for a single year, the city would defend his right to remain thereafter. There was a helpful spirit in the guild organization. The rulers collected the fees, administered them wisely, saw that standards of production, price levels and wages, were maintained, protected industry and commerce, and developed wide trade lines and new trading facilities.

But this golden day had a short life. "These bourgeois patricians," remarks one historian, "superior to the feudal lords in the art of government, were their equal in arrogance and tyranny." By means of the

money the saps had contributed, and with the power the saps had conferred upon them, they could hire mercenaries as needed and do as they pleased. They allowed no one to engage in import or export trade, excepting themselves. This meant that they had a complete monopoly of the rich external trade, and could make prices accordingly. They established monopolies of river transport, weights and measures, auctions, tolls, and pilotage. And the small trader and the workman could look out for themselves.

This last statement is mere rhetoric. These classes could not look out for themselves. Any serious effort in that direction immediately resulted in a lot of funerals. Workmen were heavily fined for attempting to form even the most harmless sort of associations — though again the Church encouraged the movement. Labor unions and strikes were punished by death. No one was allowed to work at any sort of trade or craft outside the city; and inside the city the saps were forced to work all the time. These oligarchs decreed the hours of labor, the amount of wages, and the price of food and clothing. A workman who fled from one town to another could be returned in chains like a criminal. Once more the saps were slaves.

The operators of these rackets became tremendously rich. Their wives begot social ambitions. Their daughters, with the dowries of princesses, married into the lower nobility and thus strengthened the system. They lived in royal style, sometimes more than royal. A French queen saw some six hundred of these wives and daughters at Bruges, and spoke rather bitterly about the way they were dressed. They seem to have had better clothes than the Queen of France. These mer-

chant rulers squandered the public revenues, dragged the cities into silly wars and bankruptcy, and often drove the saps to revolution.

The revolutions accomplished no lasting good. When the patrician burghers were kicked out the revolutionists decreed that no one who was not an actual skilled worker in his craft could hold office. Inevitably, these offices came to be held by the master workmen (small traders), and they soon got on to all the old rackets. As late as 1529, three "artificers, poor men of the craft of goldsmiths," in London, brought charges against the masters of the guild. The complainants accused these men of various kinds of racketeering, including perversion of the funds, and pointed out that the accused were not qualified to hold office, since they were "but merchant goldsmiths, and had but little knowledge in the science." This case dragged through the highest court of England for two years. It was finally settled by the simple expedient of throwing the three "squawkers" out of the union. Some of our labor unions of today are successfully operated on the same principle — with a complainant undergoing the additional hazard of being blackjacked by gunmen on his way home from the meeting. In such unions members are required simply to pay their dues — plenty of them — and they are not expected to enquire too closely into what is being done with the money.

Occasionally, in those tumultuous times, a brave and honest sort of leader raised his head, thus making an excellent target for both sides. Consequently, he never lasted very long. A barefoot wool-carder of Florence, Michele Lando, was such a one. Sismondi, in introducing this episode, amusingly enough echoes Plutarch on the theme that "only saps work." He writes:

“Those who have not learnt to think, those to whom manual labor leaves no time for meditation, ought not to undertake the guidance of their fellow citizens, by entering the difficult career of government. There was at Florence, as there is everywhere, a distinction to be made between families whose fortune gives them the means of intellectual improvement, and those who, to live, are obliged to devote themselves to mere labor, so much calculated to render the faculties of the mind obtuse.”

Lando's faculties do not seem to have been so very obtuse. In an insurrection of the great wool-workers' craft he happened to seize the Gonfalon, the banner of the city, and was made Gonfalonier, chief ruler, by acclamation.

“The chief thus chosen,” Sismondi goes on, in charming disregard of his previous observations on political science, “labored with admirable courage and capacity to restore order and peace. He put an immediate end to pillaging, burning and every sort of disorder. He restored authority to the tribunals, security to the citizens; and exhibited by his own example how much a free government spreads sound sense and elevated sentiments among even the lowest classes of society.”

Lando refused to allow even his old workmates to go in for racketeering in a big way, and he crushed an uprising dedicated to those principles. He even banished a number of his own crowd from the city for racketeering.

Any one not familiar with the history of mankind would suppose that Lando's services would be gratefully recognized and that he would be honored as the first servant of the Republic. Not at all. “A man of the

lower order had vanquished the anarchists whom no other than himself could have subdued," says Sismondi, "but immediately afterwards, Florence blushed to have entrusted so much power to a man of his class." Lando himself had strengthened the machinery by means of which he could be peaceably thrown out of office, and out he was thrown.

That was the end of Mike Lando. One would like to have known him. He must have been what we call a regular guy. But he probably wore a brown derby, and his wife no doubt lacked social graces. So Florence blushed, and kicked him out. Peace to his ashes: he was a patriot.

In the succeeding government a family of rich usurers, the Medici, first came into prominence in the public affairs of Florence. Even those of us who are not well-informed in the history of this clan are quite familiar with the family coat-of-arms—the three golden balls of the pawnbroker, which trace back to that source.

Even the great maritime cities, such as Venice, which began in piracy, went through much the same experience with these new "nobles of the people." The islands and lagoons of the upper Adriatic made excellent bases for pirate fleets, and from early times these advantages were appreciated. There were regular pirate communities in which all the residents were financially interested, and the priests blessed the fleets as they set out to loot. But the Venetians, who were driven into these fastnesses from Padua in one of the early invasions, soon learned that there was more to be made in racketeering than in open piracy. They began to get control of trade routes in the eastern Mediterranean, and of maritime market

places in Asia Minor and on the Black Sea. Their big merchants and shipping magnates made so much money out of the Fourth Crusade that they easily established a rigidly tyrannical oligarchy in the city. They had powerful armed "colonies" on the Bosphorus, in the Crimea, and on the coast of Asia Minor. They protected their caravan routes to the east by paying racket money to the nomadic chiefs of the desert, whose principal income was derived from this source. These desert gangsters also collected from merchant organizations of the market cities along the caravan routes. If the merchants did not pay, they were not likely to get the goods.

The long series of wars between Venice and Genoa was simply a struggle between rival racketeers for the privilege of shaking down merchants and shippers, east and west — just as we sometimes have the same sort of struggle between rival gangs of racketeers in our big cities today. Then, as now, the consumer found the cost of these rackets in his bill for the goods.

As a schoolboy this writer was taught that the voyages of Columbus, and others, to discover a new trade route to the Far East, were undertaken because the religious fanaticism of the Turks had closed the caravan routes. Nothing could be farther from the truth. "Religious fanaticism" of that sort is always for sale, and the Mohammedans were no better than the Christians in this respect. Venice made open alliances with these "fanatics," and Genoa at last was crushed. This gave the Venetian oligarchs complete control of the trade to the Orient. The Venetians paid the Turks, and the rest of Europe paid accordingly. It was to break up this monopoly of Turkish and Venetian racketeers that Diaz sailed his little ship around the Cape and into the Indian Ocean.

With the discovery of the Indian Ocean route, the Mediterranean cities rapidly declined in importance. The new road was a much better channel of commerce in several respects. In the first place, goods were packed once and for all, until they reached the port of destination. This was better for the goods. Also, every time bales and boxes are taken from one carrier to another, there are racketeers to be paid. This was as true then as it is today. The menace of piracy grew rapidly, but there were no land grafts en route.

Toward the end of the Middle Ages an old racket began to attract new attention — attention which was destined to have a profound influence on the history of the world, but not much on the history of racketeering. This graft was the abuse, for money, of the indulgence power of the Church.

Volumes of controversial twaddle have been written on this subject, and there is no need here to do more than touch on the theological aspects of it. The Christian faith is an effort to bring about a reconciliation between a sin-blackened race and a sinless God. Since there is no possibility that God will become a sinner in Heaven, it follows that the Church must be militant against sin on earth — if there is to be any hope of an ultimate spiritual union between God and man, for the salvation of the latter. The corollary of this proposition is that the Church, as the instrument of God on earth, must have some powers of discipline with respect to sin, and therefore some power to ameliorate the punishment for sin. This last is the doctrine of indulgence — remission, wholly or in part, as circumstances may justify, of the punishment for sin.

It is necessary to understand that this idea is implicit in any organization calling itself a Christian church. In



fact, if it is not the only excuse for a Church, it is certainly the strongest one. These indulgences may take many forms. One of the earliest students of the subject, Reticus of Autun (314 A.D.), declared, according to Saint Augustine, that "baptism is the principal indulgence known to the church." Every Christian church has the sacrament of baptism.

Of course, the immutable condition for indulgence is utter repentance on the part of the sinner, and the earnest will to sin no more. "A broken and a contrite heart, O God, thou wilt not despise," pleaded David, after his adultery with Bathsheba.

Racketeering came in on the abuse of this power. Under the canonical laws all sorts of punishment and penances for sin were laid down; but bishops and other dignitaries necessarily had considerable latitude. And whatever latitude they did not have, they took. In an age when men held their faith seriously, and looked daily for the second coming of the Redeemer, a corrupt churchman thus had in his hands an ideal instrument for prying money out of the pockets of the penitent. He could give a wealthy sinner the choice of walking barefoot with a lighted candle to Loretto, or Compostella, or some other famous and distant shrine, or of paying a round sum in cash. Of course, the penitent usually accepted the second alternative. For an active business man it was much cheaper to pay the money than to start on a walking-tour across Europe. This racket was worked by dishonest churchmen, all up and down the economic scale.

There were also professional "pardoners," who went about the country like book-agents, selling written indulgences. These were signed by the Pope or some high



dignitary of the Church, and were not infrequently forged. At one time there was a regularly organized official "selling drive" of these bits of paper to raise money for the completion of St. Peter's.

In spite of protests of decent prelates and pious princes, honest priests and devout lay scholars, indulgence selling went on with varying degrees of high-pressure sales steam behind it, depending on whether there happened to be a great Christian priest or a rotten crook in the chair of St. Peter. Both kinds wore the Triple Crown in the Middle Ages. In the two hundred years or so before the coming of the mighty Hildebrand — that stern warrior of the spirit, who brought even the proud emperors of Germany literally to their knees — the Papacy had sunk to such a pitch of degradation that it was the prize and plaything of political gang-leaders in Rome. At one time, early in the tenth century, the kept-women of these politicians had so much influence that the Papacy of that period has been called "the Pornocracy." When Benedict IX. was Pope, he made his brother Prefect of the City, and this pair of gunmen put Rome through a course of racketeering that would have sent Al Capone and Legs Diamond running to the police for protection. But they did not have enough power outside the walls to protect pilgrims, who were robbed of rich offerings by bandits and blackmailers at the very gates of the Eternal City.

All this was centuries before the crisis now approaching. Leo X. was Pope. He followed three of the worst Popes and one of the best. Considering his family background, his work was not so rough; but the cautious man in conversation with him must have felt it a duty to his heirs to keep his hand on his pocketbook. His name was

Giovanni de Medici, and he was a son of the three-ball clan. His father, Lorenzo the Magnificent, had bought him a Cardinal's hat when he was fourteen years old. The Pope charged Papa Lorenzo about \$75,000 for this job. (These three bad Popes sold everything that was vendable, from Cardinals' hats down to altar cloths. The Church never experienced a more shameful orgy of simony than the riot of selling holy offices that went on in these times.)

A young prince in Germany opened negotiations with Leo for the purchase of the Archbishopric of Mainz. This youth came of the devout family of Hohenzollerns, who have already been noticed as unaccountably escaping hanging at the hands of Arnulf. This venerable prelate — he was about twenty-one years old and even then owned one bishopric — looked at the See of Mainz and his mouth watered. It was one of the richest in the Empire.

When the scion of Florentine usurers and the child of a long line of blackmailers began bargaining for something worth money, it might well be imagined that the negotiations would be instructive. They were.

Young Hohenzollern began by offering the Pope seven thousand gold ducats — one thousand for each of the Seven Deadly Sins. The Holy Father was opposed to the sale of an Apostolic See on the basis of sins, deadly or otherwise, and thought it more fitting that the price should be figured apostolically. He suggested twelve thousand gold ducats — one thousand for each of the Twelve Apostles. This looked like a knock-out, but the Hohenzollerns have ever been fast on their feet. Young Albrecht was forced back on the Old Testament, but there he found a strong position.

He cross-counteracted with an offer of ten thousand gold ducats, one thousand for each of the Ten Commandments. The Pope, evidently fearing that his opponent might think of The Trinity, closed at this price; and the young man became known to history as Albrecht of Mainz.

Ten thousand gold ducats was a tremendous sum of money — about twenty-five thousand gold dollars, with an inconceivable purchasing power; and the Pope was tacitly pledged to help Albrecht recoup. He gave the new Archbishop a “special bull,” authorizing him to sell indulgences in Germany — *even for future sins!* In his “peremptory instruction” to his sales force, Albrecht quotes the Papal Bull as promising the purchasers of this most expensive type of indulgence that they “shall be partakers [of grace] now and forever” — *nunc et in perpetuum participes fiunt*. This was, of course, a gross abuse of the basic principle of indulgence. How could a man be repentant in advance for a sin he was planning to commit? — or for sins that had not yet occurred to him to commit?

The Archbishop unfortunately selected as his sales manager a dissolute Dominican monk, named Tetzel; and the drive began. But there was a lot of sales resistance.

[Note: It is not quite clear whether the great banking-house of Fugger, in Augsburg, was in on this deal from the beginning, or merely came in on the indulgence-selling after Tetzel had failed. It is a fact, however, that these bankers took over the “concession” and sold indulgences for Albrecht on a basis of a straight fifty-fifty split of the gross sales receipts.]

The intelligent and pious, both church and lay, were

offended by the scandal. A Saxon Elector barred Albrecht's sales force from his domain. This excluded them from the likely town of Wittenburg; so Tetzel established himself at a place called Juterbog, just across the border. From that base he sent advertising crews into Wittenburg. The Wittenburgers began to journey out to Juterbog and buy indulgences. Consequently, when a decent priest at home laid a penance on a parishioner for the good of his soul, the said parishioner was likely to pull out an armor-plated indulgence and tell him not to be silly.

Prominent in Wittenburg at this time was an Augustinian monk, who had attracted wide-spread attention both as a teacher and as a preacher; for he combined, with a pious life and a passionate faith, the keen and vigorous mind of a scholar. His name was Martin Luther. (Note: Luther seldom drank more than two gallons of wine with one meal and was, therefore, considered quite temperate. It has been argued that this should be regarded merely as a minimum and that his actual average per meal was doubtless much higher, to say nothing of a refreshing snort, now and then, between meals. But this writer — himself a drinker of no mean attainments — is compelled to consider this interpretation an exaggeration attributable to hero-worship.)

In common with hundreds and thousands of good and devout men in all walks of life, the monk knew that there were grave abuses in the conduct of Church affairs, and that this indulgence racket was not the least of them. He wrote a paper called *The Ninety-five Theses*; and these theses, taken together, constituted a crushing attack on the evil. The document was written in Latin,

and was intended to be a sort of challenge to any scholar in the University of Wittenburg, or elsewhere, to debate with the author on this subject. So he nailed the paper to the door of the Wittenburg church. This has often been painted as a dramatic incident, but it was not much more dramatic than a sheriff putting up a notice-of-sale on a bulletin board in front of a country courthouse.

Luther had no intention of leaving the Church, nor of questioning the churchly authority of the Pope. More than two years later he wrote a letter of apology and submission to the Holy Father — without, however, receding from his theological position.

But the printing press had been invented. The Ninety-five Theses were translated into German and, together with other dynamic and dynamitic writings of the indignant monk, were widely circulated in Central Europe. They finally reached Rome, and the Pope demanded a recantation. Luther was brave, and strong in faith; and he had sturdy backing, both in the Church and among the secular German princes, who were uneasy over the growing power of the ecclesiastical Electors, such as the Archbishop of Mainz.

The monk stood by his guns — and Europe walked into a century of slaughter.

The hammerblows on the door of the Wittenburg church opened the flood-gates of another Deluge. Jehovah had told Noah that never again would He try to cleanse the world with water. He gave it a bath of blood.

## FIVE

### Short Weights and Long Rackets

WHEN Aristophanes, in *Archonians*, has a professional informer attempt to blackmail a Megarian vendor in the market place of Athens, the satirist is so eager to lampoon the informer and all his kind that he misses the real point of his episode. The Megarian had his two children disguised as pigs, and was trying to sell them on the hoof. Back of nearly every business racket is a crooked business man.

Out of the clean, country places, whence comes our aid against the wickedness of the cities, there comes also a little folk-tale of a cross-roads storekeeper who is shutting up for the night. He says to his pioneer helpmeet:

“ Well, mother, I’ve watered the whiskey, and sanded the sugar, and wound the clock, and it’s time for prayers.”

Long before Columbus was born, our sturdy English forefathers, in the shops and market places of the City of London, were cheating the unwary out of their eye-teeth, and being shaken down by racketeers in consequence. There is, however, nothing to indicate that we inherited this system from England, along with our language and free-school literature and legal tradition. Indeed, nowhere in history is there any real evidence (so far as this writer has been able to discover) that racketeering is a slow growth due to unusual social con-

ditions; or that it is inherited by one generation from another; or transplanted, as are some customs, from one land to another. Given a large enough community, where men are men, racketeering leaps into flower as inevitably as every member of the community will try to get something for nothing: that is to say, every member of the community whose faculties have not been rendered obtuse by labor, as Sismondi has it.

In the year 1273 a number of master bakers of the guild in London were selling shortweight bread. They could not possibly have made a practice of this swindling without the knowledge, and therefore the corruption, of the surveyors, or inspectors, of the guild, whose duty it was to check up on these matters. Their work must have been fairly rough because they were caught, finally, by the two Sheriffs of the City. Then the Sheriffs proceeded to shake them down. They gave the bakers their choice of paying twelve dollars each or being arrested. Several were arrested, and at least one of those who paid was indignant with the Sheriffs for breaking in on a racket which was not primarily their concern. He "squealed," and the two Sheriffs were convicted in this one instance of having accepted a bribe of sixty shillings. The punishment was terrible: they lost their jobs.

If there had been any newspapers in those days the citizens of London would have read something like this:

"The breaking up of this contemptible grafting in the food of the poor shows once more what can be done for clean government when the moral forces of the community are roused to action. It will be long before dishonest merchants, and more dishonest officers of the



city government, dare again attempt their extortions in the City of London."

So fifty years later we find that many of the citizens of London were grinding their own flour and making their own dough in the hope of getting a decent money's worth for the pennies they spent on bread. But because of the cost of fuel and the scarcity of proper cooking equipment, it was cheaper to have the baking done by the professionals. The bakers naturally resented this attempt on the part of their customers to get a penny's worth of bread for a penny, and one John Brid found a way out.

This Edison of the Dark Ages bored a hole in his kneading-board and fitted a smooth plug into it. Underneath the board he placed one of his young children to help manipulate the swindle, so that the lad would begin early to learn that life is real and life is earnest. Father slapped the big blob of dough down over the plug and began to work it. This was the signal for little Junior to pull the plug out and collect big handfuls of the dough as father pushed it through the hole. When father thought that the mass of dough might be growing noticeably smaller, he made another signal and Junior carefully fitted the plug back into place. Then father patted the dough into loaves and put them in the oven.

Altogether, ten master bakers in the City were working this swindle when it was exposed. Just how they were caught is not clear in the records. They must have been paying protection, because it was the Mayor himself who finally headed a sudden raid and laid bare the whole machinery of cheating — Junior and all. The next day they were tried before the Mayor and sentenced to a few hours in the pillory.



Probably the Mayor did not like the job. It was forced on him by citizens who had at last noticed a remarkable shrinkage in their breadstuff between raw material and cooked loaves. Mayors in those days frequently did not like their jobs and, although the Mayor of London ranked with an Earl, the office often went begging. Rather, it would have gone begging but for the fact that there was a fine for refusing to serve when elected to any municipal office. Being a merchant himself and given to playful little schemes of the bread-board sort, the Mayor did not like to go around stepping on other merchants' grafts.

It often occurred that when an alderman knew that he might be chosen Mayor, he bribed citizens to go to the meeting and shout enthusiastically for the election of some other alderman.

Sheriffs seem to have been a lot of trouble to the community in various ways. Among their other duties they collected the King's share of fines and custom duties, and all other monies due to the Crown. Frequently they forgot to pass these sums, or large parts of them, along to the Royal Exchequer. Sometimes they died when they were heavily in the red ink to the King's treasury and then the whole community had to make up the deficit.

The King was always having trouble in collecting from the City of London. There are many pages in many histories devoted to the abuses which the kings of those days visited upon the City, but it was not one-sided. It is permitted to wonder, sometimes, why the King did not go in more strongly for abuses. Kings have to collect taxes, exactly as do other sovereign governments; and when the Sheriffs were not "gyp-

ping " him on their own account, the fathers of the City combined to make it a regular community function. It is probable that only in exceptional cases did the Crown get the tax-money which was its legal due. The honest municipal government found it cheaper to bribe the Barons of the Exchequer. On one occasion when they still owed the King between twelve and fifteen hundred dollars, the matter was adjusted with the King's financial officers, in a friendly way, on a basis of less the sixty dollars in bribes — quite a saving for the thrifty and hard-working business men who were the backbone of the realm.

Before any racketeer sneers at these sums he should inform himself as to the purchasing power of money in those days. A pair of shoes cost ten cents, a leg of mutton five cents, a whole sheep fifty cents, a loin of beef or a whole lamb fifteen cents, bread a cent a loaf, an overcoat fifty cents, and a woman's ordinary woolen dress twenty cents. The Mayor of London paid a yearly house-rent of eight dollars and fifty cents, but his was a fine house. A good house with a sun parlor and cellar was built at a cost of fifty dollars, and as many marten skins; and a splendid mansion was put up for about one hundred and seventy-five dollars. Good German Rheinwein and French claret sold for two or three cents a gallon and the heavier sweet wines of Spain and the Near East for from fifteen to twenty cents.

The difference in price of these two kinds of wine gave rise to one of the earliest booze rackets. The temptation to adulterate the twenty-cent wine with the two-cent variety was irresistible. The sharpened flavor could be explained on the ground that the Spaniards put lime-juice in the sweet wine as a preservative, which they certainly never did — at least, not in such quantities

as to change the character of the wine. Hence, *Falstaff's* denunciation of the host of the Boar's Head Tavern:

*"Thou rogue, here's lime in the sack!"*

Various regulations were put into force at different times in attempts to stop this practice. Inn-keepers were forbidden to have doors on the cellars, the idea being that the customer could watch the tapster and see that he did not mix the draught. The taverners evaded this by putting up curtains. Then they were forbidden to have the two different wines in the same cellar, but that did not work. The next move was to forbid the selling of both kinds in the same inn. Finally, only three taverns were permitted to sell the sweet wines.

This created a valuable retail monopoly and it was farmed out to a man named Lyons for the huge sum of a thousand dollars a year. He made it more valuable by carrying on the adulteration with added zest. But, as he was not supposed to buy or sell any French or German wine, he had to pay out heavy racket money. The graft became so profitable and notorious, and the City authorities so determinedly ignored it, that Parliament finally held an investigation. Then the whole story of cheating and racketeering came out, with Lyons and two other aldermen as the chief villains of the piece.

It will be observed that we did not invent the idea of legislative bodies investigating racketeering and corruption in municipal affairs, nor should we feel discouraged over the invariable absence of lasting benefits from such house-cleanings. Lyons and the other City fathers were convicted of racketeering in wine in the year 1376. Some twenty-five years later *Falstaff* is complaining of the adulteration of his liquor; and Shakespeare takes it for granted that his audience will know

what he is talking about when he speaks of "lime in the sack," early in the seventeenth century. Long before Mr. Volstead and his friends got in their work on the manners and customs of the American people, the Federal Pure Food Bureau discovered that in Chicago alone eleven establishments were manufacturing, synthetically, pure imported Gordon Gin — with the name blown in the bottle. Much of the whiskey sold in the poorer London "pubs" today is unfit to drink.

It is hard to keep a good racket down. And this wine graft showed signs of immortality as a plague in the affairs of the realm of England. It was the proximate cause of the final break between Elizabeth and the Earl of Essex. It was when the Queen refused to renew the declining favorite's monopoly of the sweet wine trade that he lost his temper, his judgment, and his head, in the order named.

Current newspaper reading indicates that it is dangerous for a business man to stand aloof from an organized racket in his trade. It was apparently more dangerous in fourteenth century London. Nearly all of the butchers were selling bad meat, and the menace grew to such proportions that a number of them were hauled into court to "take the rap" for the guild. It is not surprising that among the few who were arrested was one butcher whose meat was found to be fresh and good. He was probably suspected of having "turned in" the others. The purveyors of bad meat were stood in the pillory, while the putrid stuff was burned under their noses. But the man who was caught selling *good* meat was fined and sent to prison! That probably taught him something about double-crossing his pals.

Cheating in weights and measures was universal.

Grain-dealers put thick heavy bottoms in their measures and inn-keepers thickened the bottoms of bottles and drinking cups. One ale-house proprietor, a woman, poured about an inch and a half of pitch into the bottom of each quart pot and then covered it with a layer of rosemary, which must have made the ale a snappy beverage. Officers who inspected this equipment could not be deceived, but they could always be bribed. If the ale was not up to "standard," there being no standard except that which the inspector invented, the whole supply could be seized. The minor officers whose duty it was to regulate ale-houses and brothels collected regularly on the threat of confiscation, or exposure of adulteration, or of false measures. Proprietors of brothels and individual prostitutes paid as they do today to ply their trade without police interference.

It is incredible to us, but it is an actual fact, that for a long period there was no agreement as how much constituted a hundred-weight. It was left to the city official who handled the official scales to decide how much was a hundred pounds, and he decided as he was bribed. And sometimes he had to be paid to keep his arm off the beam. Foreign merchants naturally got the worst of this arrangement, and bitterly they complained. A lot of good it did them.

Foreign merchants were not only those who came from beyond the seas but also English farmers or tradesmen who lived and worked outside the liberties of the City. They were victims of a long list of extortions, legal and illegal. The London grocers complained that the spices imported by foreign merchants, such as pepper and cinnamon, contained a great deal of dust and similar refuse and that the good people of London were thus

being cheated. So it was decreed that all spices consigned to foreign merchants must be "garbled" — carefully cleaned. The foreign merchants yowled vociferously, arguing that the same rule should be applied to spices consigned to and sold by English merchants. But of course they got nowhere with that suggestion. An inspector, who was an English grocer, was assigned to do this cleaning, for which he received eight cents a pound — and all of the racket money he could extort from the foreigner for not doing it. Obviously, if the foreigners sold clean spices by weight and their English rivals sold uncleaned, they could not compete.

Farmers, also, had to be careful in their dealings with these captains of commerce. After a price for a load of grain had been agreed upon, but not yet paid, the merchant kept the farmer's attention engaged while some of his workmen or 'prentice boys threw water on it. He then informed the unwary agriculturist that he could not be expected to pay the market price for wet grain. The farmer could take a much smaller sum, or none at all. As he could not cart wet grain home again to any advantage, there was nothing to do but sell it for what he could get for it. Similarly, a live calf or sheep would be quickly killed and the butcher would then refuse to pay the agreed price because the animal was not what he had expected. Again the farmer was helpless. He could not take the carcass home, nor could he sell it elsewhere in the City.

Anyone can see that a simple way to have killed this racket would have been to insist that the whole transaction, payment and all, take place outside the City. Well, the City fathers thought of that, too. The Sheriff had authority to confiscate all the goods involved in

any deal consummated outside of the City. To promote the zeal of the Sheriff, such confiscated merchandise became his personal property. This inevitably led to "framing," as did the law against smuggling, which provided that if there was in the cargo of a ship one tiny article undeclared, the entire cargo was confiscated. The temptation to plant contraband on board the ship, after the declaration had then been made, was wide open. The merchant then had the choice of paying blackmail or of risking legal proceedings which would almost certainly result in the loss of the cargo.

On one occasion the work of these racketeers was a little too coarse to be successful. Two Flemish merchants sent a cargo of blue dye and Spanish wax to London. When the ship was tied up at the pier the "scrutineers" went aboard and promptly found a few fresh skins. These, of course, had not been declared, so the whole consignment of dyes and wax was confiscated.

But the two Flemings had political influence. They got the ear of the King and pointed out that the skins were fresh, that they were out of place in such a cargo, and that they had been slipped into the hold when the ship stopped down the river at Faversham. The King sent word to the Mayor that he would like to have this case decided by a jury, and decided honestly. The Flemish merchants recovered their goods.

No one could carry on any sort of trade or business in the City unless he was a free member of the guild of his trade. Outsiders, properly sponsored, could be admitted to the freedom of the City on the payment of certain fees. At first a guild member was required to remain in his chosen guild, but later this law was changed so that he could transfer to another. As there was a



great difference in the fees, this change in the law opened the way for a new racket. A man who wanted to go into the dry-goods business paid a racketeer to have him admitted into the haberdashery guild. He was thus a free merchant of the City at a cost of about five dollars in fees. Then he could go in for dry-goods without fear of prosecution; and with a saving of about a hundred dollars. Of course, he had to pay the racketeers who fixed things for him.

The King's writ did not run in the liberties of the City. This means that when the King wanted some one arrested, he could not send one of his own officers with a warrant. The Sheriffs had to do the arresting and turn the offender, or fugitive, over to the King's officers. Consequently, a wealthy noble who was wanted for treason had a fine chance to make a getaway if he could "square" the Sheriffs. In one case where this occurred the King's court fined the Sheriffs a hundred dollars each, which would have been a terrific fine if they had paid it. About sixteen dollars in bribes, and a beautiful beaver cap with a green velvet lining for the King's steward, made everything all right.

Tax-collecting was, as always, a splendid racket. The King's taxes were levied only at great intervals but they were direct and extremely heavy — running from one-tenth to one-fifteenth of a man's portable property, with only minor exemptions. The collectors were also the appraisers and it needs but little imagination to get an idea of the terrific extortion which went on at these times. These officials had it in their power to beggar a man, or to let him off with practically no taxation at all. The course they followed in each case was generally governed by the amount of blackmail offered. Occa-



sionally they were prosecuted and punished, but these cases were exceptional. The collectors of the ward of Farringdon, after being convicted of extortion, were indignant with the Mayor because their names were posted in front of the Guildhall as a warning, while their equally guilty brethren of Billingsgate escaped this humiliation.

The potentialities of the taxing weapon are at last attracting some deserved attention in our own country. "The power to tax is the power to destroy," said John Marshall, and we are gradually beginning to understand that the great jurist knew what he was talking about. The power to tax is the power to use the surest of legal machinery for the purpose of rewarding friends and punishing enemies. Three thousand tax payers in Chicago, representing real-estate valued at four hundred million dollars, obtained an injunction restraining the city authorities from collecting taxes on their property, on the ground that the assessments are "not uniform, are illegal, confiscatory, discriminatory, unconstitutional, void and fraudulently excessive." An investigation of the tax situation in New York City, begun in the spring of 1931, will doubtless reveal similar abuses, and from at least a half dozen smaller communities throughout the country comes the same cry.

A few years ago, Senator Couzens of Michigan launched into a long persistent attack on the administration of the Treasury Department. He presently found himself involved in an expensive lawsuit over the taxable value of a huge block of stock, of which he had disposed some years before. This may have been coincidence.

Recently, one or two leaders of the Republican party were so ill-advised as to remark that Mr. John J.

Raskob, the motorcar millionaire, held a mortgage on the Democratic party, because the treasury of the national organization owed him hundreds of thousands of dollars which it could not pay. Whereupon Senator Dill of Washington, a Democrat, arose and stated that the millionaires who had cast their bread upon the waters controlled by the party in power had seen it returned to them some two hundred and forty times over in the shape of tax-refunds. These wealthy men had contributed \$477,000 to the Hoover campaign fund in 1928, and had received from the United States Treasury tax-refunds of \$114,655,279. Senator Dill mentioned some two dozen rich men who had helped the Republicans and had then profited by errors in the original tax collections. Mr. John J. Raskob was not among those mentioned. His party is not in power.

"It pays to be a Republican," exclaimed Senator Dill bitterly. It has been a long time since it has paid to be a Democrat.

As this is written, there is proud satisfaction over the fact that the taxing power has been used to force Mr. Alphonse Capone to plead guilty to charges of conspiracy in connection with booze-peddling. Apparently no one sees that this establishes a precedent for the dangerous misuse of the taxing power, nor that the incident itself is a painful humiliation of the whole community. This crook has for years successfully defied city, county, state, and Federal governments. He was at last brought to book only through his error in failing to pay the Government the taxes due on the enormous income of his racketeering! Musical comedy librettists can go no farther. Critics who complain of the decline of satirical literature need only to look about them to find

the explanation. The antics of government are beyond the pens of ironists. No one can satirize a burlesque.

Medieval tradesmen and merchants of London, from the highest to the lowest, suffered alike from one form of extortion. This was called "purveyance," and the King's purveyors were backed by the authority of the King, which made them tough to handle. The King had a certain limited right of levy on goods coming into the City, but purveyance was an altogether different thing. When the king needed wine, provisions, or other commodities he had the right of requisition — the same right which was exercised by feudal lords at certain times. The sovereign was supposed to pay for such goods, but he was not required to pay cash. His purveyors simply gave the merchant a receipt and the latter was permitted to hope that in some high and far-off time he would be able to get the money. With the white wand of authority in his hand the King's Purveyor walked into a man's place of business, selected what he wanted, marked it with a broad arrow — and that was that.

Obviously, the purveyor was bound to become a scandalous racketeer. A wine-merchant did not care to give up two or three barrels of wine in return for a slip of paper, and it was worth money to send the purveyor on his way to some other merchant's cellar. The King had to have his wine and the purveyor could distribute the requisitions for the same in accordance with the graduated willingness of the wine-merchants to pay graft. When it is considered that requisitioning applied to everything the King needed, the immense possibilities of the racket become plain.

This sketch of racketeering in a medieval community would not be complete without mention of the in-

formers. The descendants of the *sycophants* of Athens and the *delatores* of Rome were found serving the kings of England, just as they had served the despots of antiquity; but there is no evidence that they ever played nearly so important a rôle until the time of the Stuarts. They were called "King's appealers" and they seem to have been a cheap lot, working on "piece work" in the field of minor felonies, although at least one of them was on the King's pay-roll at three cents a day.

The "saps" of the City were treated as saps have always been. Skilled workers were paid ten cents a day and common labor about six cents. A man could live on these wages, but not in what could be called affluence. Attempts to form labor unions were savagely punished. This led the workers to form organizations in the shadow of the church, as mentioned, in the preceding chapter. As religious associations they felt they would be secure, and they were encouraged in this method by a few honest, and a number of dishonest, priests. A Franciscan monk named Bartone worked a neat swindle on the shoemakers. In consideration of a levy on all the members of the organization he procured for them a Papal Bull which promised excommunication and eternal damnation to all who interfered with them. They did not know at the time that the monk had forged it.

Forgery of indulgences and dispensations and other valuable ecclesiastical papers seems to have thrived in England rather more than elsewhere. Of course, England is a long way from Rome and Papal Bulls were consequently hard to get. Moreover, the crooked churchman probably reasoned that the forged document would be quite as efficacious as a true autograph. But indulgences of a minor quality, such as those dispensed

by Abbots and Priors, were spuriously produced and sold on a large scale. One monk was caught with a complete set of imitation seals, prepared to grant an indulgence of any grade, from Papal down to priorial.

It is also painful to record, in this connection, that a churchman first conceived the idea of an organized racket in a municipal underworld. He was the Dean of the Church of St. Martin-le-Grand, and he was the moral ancestor of the great Jonathan Wild. He ran a haven for thieves and other crooks within the pale of St. Martin's sanctuary, and collected from them regularly.

The Dean was in a position to work this racket because of the peculiar and unique privilege held by St. Martin's from the days of the Norman Conquest. Every fugitive from justice could claim sanctuary in a church; but the right of sanctuary was strictly limited and seldom ran beyond forty days. Also, safety from pursuit lay only within the four walls of the church building.

But, for some reason, William the Conqueror made an exception of St. Martin's. The sanctuary not only included a little district around the church, but it was also perpetually inviolate. If a criminal could fix it with the Dean, he could stay in St. Martin's sacred precincts for the rest of his life. The kings who came long after William never ordered an invasion of the sanctuary, even to secure a man who was wanted for treason. Of course, in most cases of this kind the Dean gave up the fugitive to the King's officers.

But the Sheriffs and other officers of the City were powerless against this nest of crooks and racketeers in their midst. It was a haven for thieves, pickpockets,

burglars, forgers, fugitive debtors, and assorted criminals. Some of them rested by day and sallied forth at night into the City to follow their vocations. Caught there, they were lost; but not many of them seem to have been caught.

Among others who found a refuge here were fugitive members of the goldsmiths' guild. Here, in perfect security, they manufactured imitation jewelry, and slipped it out for sale at shops in the City. These gilded ornaments came to be commonly known as "St. Martin's beads." The cream of it is that, with the permission of the Dean, the Masters of the Goldsmiths in the City came at intervals to make a solemn inspection of the shops of these members of their guild.

If there were any reformers in those days, they became discouraged before they had started. Good Master Wycliffe produced his English version of the Bible, but there is nothing in the conduct of his fellow-subjects to indicate that it was at all widely read. The Bible is with us a perennial best seller, but no one would suspect it.

Such moral precepts do not fit into our practice of community organization and attempts to apply them result in unvarying failure. It makes no difference what the form of government is, from despotisms to the so-called democracies; nor whether it is a village, city, provincial, or national community. The political state has always been inherently corrupt.

Any one who cares to pursue this study is recommended to read Professor Franz Oppenheimer's *Die Staat*. (An excellent English translation is available; and, unlike too many serious books by German authors, it is short and lucid.) His thesis is that the political state

is conceived in rapacity; and therefore its power, its very health, depends on a strong and growing rapaciousness. Honesty and altruism in the governing classes are as definite weaknesses as atrophy of the sword-arm or paralysis of the trigger-finger; and at the first sign of this decay, they give way to stronger and hungrier racketeers. Professor Oppenheimer sees no hope of escape from this dreary circle, save in a "free citizenry" — which is the same thing as saying there is no hope at all. Not enough of us are in favor of a community organization where we may not take unfair advantage of a neighbor — even if the racketeers would let us form one.

It is not a heartening picture, but faithful to history.



## Gunmen of the Renaissance

ABOUT the middle of the fifteenth century, Aeneas Sylvius, a cultured man of the world, who was afterward Pope Pius II., made this observation of existing conditions:

“In our change-loving Italy, where nothing stands firm, and where no dynasty exists, a servant can easily become a king.”

He was referring to the remarkable adventures of the *condottieri*, those captains of blackmailing gangs of armed racketeers, who became not only the actual, but even the titular rulers of scores of towns and cities. Usually of peasant stock, they rose by the old ladder of extortion, bribery, and treachery, to wealth and power; and a few of them quartered their arms with the heraldic shields of the older aristocracy. The value of this last achievement is open to question. This writer would infinitely prefer being kin to a *Condottiere* than to a d’Este.

After taking a glance at this d’Este family of racketeers who were long the lords of Ferrara, it is not difficult to understand why so many legal proclamations of the Middle Ages, such as the *Capitulary* of Charlemagne, bore down with great emphasis on the evil of incest. It is almost impossible to see how the d’Estes could tell sister from cousin, or brother from uncle. Legitimacy had nothing to do with succession, and every one plotted against every one else. Home life among

them must have been unflaggingly interesting, if not always pleasant. Bastards and legitimate children were constantly coming and going, pursued even in exile with dagger and poison. A princess, herself a bastard, was caught *in flagrante* with her step-son, and killed. Duke Hercule I. poisoned his wife, for the undeniably sound reason that she was planning to poison him. Her bastard brother, Ferrante of Naples, incited her to attempt the murder. Then the bastard son of a bastard tried to assassinate Hercule and seize the throne. Two other bastards conspired against their brothers, Alphonso I. and Cardinal Ippolito. Leonello, himself a bastard, had a flock of illegitimate children; and also a wife, who was the bastard child of an African brunette by Alfonso of Naples. He was succeeded by a bastard brother, Duke Borso. Eight princes of this house, all richly garbed and beautifully mounted, rode out to meet Pope Pius II. on his way to the Council of Princes at Mantua. All eight of them, including the Duke, were bastards; undoubtedly a very pleasant family with whom to spend a quiet week-end, especially for a scholarly gentleman like Pius II.

The Viscontis of Milan seem to have been a little more careful about succession, but were quite as casual about sexual intercourse. Duke Bernabo married three of his illegitimate daughters to three *condottieri*, and probably never missed them. He still had seventeen bastards left, to say nothing of sixteen other children, who were more or less legitimate.

Careless about contraception, the d'Estes did not carry these slipshod methods into their racketeering. Their work in that field of endeavor was exceptionally smooth for the period. Indirect taxation was extremely heavy,

but the d'Este rulers seldom resorted to open extortion. About once a year, it is true, the Duke made a tour of his possessions and on these occasions all wealthy men were supposed to give him "presents." There was nothing compulsory about these contributions; any rich man who neglected this little free-will offering was almost certain to have all kinds of bad luck in the period immediately subsequent, but this was probably coincidence.

At the same time, it must not be supposed that any loose money got away from the d'Estes permanently. They invented a technique which enjoys a great vogue among our crooked business men and politicians today. It is a simple and stainless arrangement by which an underling does the dirty and dishonest work, the employer keeping always in a position to repudiate him if he is caught. Some few years ago a man of large business affairs asked one of his department chiefs, named Jones, how the department had secured a commodity for which there had been keen competition. Jones grinned and replied, "Oh, Smith just took a bale of money and went down there and handed it to a couple of fellows, and brought the stuff back." The employer sputtered mirthfully into his cocktail, but what he said was, "Why, Jones! You mustn't tell *me* things like that!"

The d'Este system closely followed this pattern in moral turpitude, but theirs was carried far in attention to detail. It cut two ways. First, they put up all the important offices of state for sale to the highest bidder. Governors of provincial towns, judges, police chiefs, court officials, and collectors of customs — occupants of all these berths, which carried with them the power of extortion, went for round sums. Several of the old writers mention these "devourers of the people" by

name, and give the prices they paid for their jobs. One says that these positions brought *prezzi salati* — an Italian phrase almost poetic in its perfection of expression. It means salty, or well-salted, prices — prices with a good rich flavor over which a Duke of Ferrara might well smack his lips.

Of course, the Duke did not suppose that these men were buying jobs at "salty prices" for the glory of serving the fatherland. They were expected to get their money back many times, and they did. If their extortions were too outrageous, and the people came to "hate them worse than the devil," the Duke had them arrested and thrown out of office with all sorts of fines and disgraces, if not with a little decapitation. In this way the Duke got (1) the price for the job; and (2) much of all that the job holder had collected in racketeering; and (3) he became a popular hero who would not permit the "devouring" of his people. A neat system.

On one occasion the Duke (the Hercule I. before-mentioned) carried one of these red-handed grafters too long. This was a hard-boiled butcher from Lucca, named Gregorio Zampante, and he had bought the job of chief of the city police. (Nearly all of these petty Italian despots were chary of entrusting police power to their friends or relatives, or even to natives of the city. There was too great a risk of finding themselves arrested, or stabbed, some night.)

Zampante appears to have been one of those not uncommon characters who loved money for its own sake and loved cruelty for the same reason. The two traits combined in one individual make a fairly good racketeer; and Zampante apparently had both, so highly

developed that there was no room in him for any other human attribute. For years he was one of Duke Hercule's right-hand men, but no one seems to have suspected that the Duke knew what his satellite was doing, and that he profited by it. Even so dependable a historian as Doctor Burckhardt, to whom the writer is indebted for most of the material on the d'Estes, fails to draw the unescapable conclusion from the evidence he himself sets forth. He seems to have been deceived by the celerity with which the Ferrara dukes dismissed their racketeering servants — when they became too hot to hold.

With the club of police power in his hand, and with the unfailing support of the Duke, Zampante terrorized the city of Ferrara. Neither life nor property was safe, especially the latter. A rich man could commit any crime on the calendar and buy immunity even from arrest, to say nothing of punishment. If a rich man failed to take advantage of these encouragements and uppishly abstained from crime, Zampante was likely to be offended with him and have him "framed" for a crime which he ought to have committed. In those cases of wealthy criminals where the facts were notorious, and it was necessary to make a gesture of justice, Zampante convicted the offender and then obtained a pardon for him — at a staggering price. Doctor Burckhardt naïvely remarks that these pardons were "obtained from the Duke by false representations." Of course they were: "Why, Jones! You mustn't tell *me* things like that!"

Zampante put men to the torture, even before he put them on trial. And he collected annually thousands upon thousands of ducats in fines and bribes. He lived well, but not riotously; and he steadily put away about

five thousand dollars a year. (The d'Estes loved display, but they wisely discouraged reckless extravagance.) The two thousand, or so, gold ducats which Zampante saved each year can have been but a fraction of the money which passed through his hands. Most of it must have gone "higher up."

"Gladly would the people have paid any sum to this ruler," says Doctor Burckhardt, "for sending away 'the enemy of God and man.'" Even the members of the ducal family were panic-stricken at his approach. But "any sum" that the people might have been willing to pay to get rid of this racketeer was evidently not large enough in the ducal eyes. Hercule conferred upon his police chief the honor of the Knighthood of the Golden Spur, the most distinguished in his gift. A more intimate sign of complete confidence, he made Zampante the godfather of his children!

Like prominent racketeers of our day, Zampante lived in constant fear of his life. He took the most elaborate precautions against assassination. He never stepped outside of a door until he was completely surrounded by a heavily armed bodyguard. To escape poison he ate no meat, save that of pigeons which he raised in his own house. But, as usual, it was all in vain.

One summer afternoon, while he was enjoying his siesta, three students of the university entered his house and drove their daggers into him as he slept. How they contrived to get at him is not made clear. His bodyguard must have been bribed. The three assassins — or, more justly, executioners — dashed on horseback through the streets of the town, shouting the glad tidings:

"Come out! — come out! We have slain Zampante!"

They easily beat the Duke's posse to the safety of the border.

It is a sufficient commentary on the character of government in other Italian city-states at this time to note that Ferrara, under the rule of the d'Este family, was a sanctuary for political refugees from all over the land. Their spy system was so perfect that they could welcome these immigrants without fear and with much profit. Although the d'Estes went in heavily for real-estate development, and had sound ideas of city-planning, they could not keep up with the demand for housing. Muratori says that in 1497 it was impossible to rent a house in the city. This fattened another, and already fat, racket. The d'Estes held a complete monopoly of the food market, even growing vegetables on the city walls.

With the wholesale introduction of hired gunmen into Italy, racketeering took on an added note of modernity. Along in the year 1368 there was a wedding feast in the palace of the Viscontis in Milan, which in a smaller way rivalled the splendor of imperial Rome. They had shuffled the thirty-six assorted children of Duke Bernabo and had fixed on one, the Princess Yolande, who seemed to be fairly legitimate; so they were marrying her to a Plantaganet prince — Lionel, Duke of Clarence, brother of the Black Prince and younger son of the great warrior, Edward III.

That wedding party is still a legend of the Milanese. The rich details may be read at immense length in Corio, and Dorothy Muir gives a much compressed description in her *History of Milan under the Viscontis*. Eighteen courses were served at the great state banquet — every kind of meat and game and fish obtainable — and



served with splendor and imagination. The roast suckling pigs had flames spurting from their mouths, and there were many similar wonders to intrigue the interest and the appetite — and to display the immense wealth of the Viscontis.

But, for the purposes of this narrative, the important feature of the banquet was that with each course served, presents of the costliest kind were brought in to the Duke of Clarence and his English knights and barons, increasing in richness with each succeeding course. There were scores of blooded hunting dogs, magnificent horses of all breeds and for all purposes, richly caparisoned; splendid suits of Milan armor, almost the best in the world; cloaks and caps, embroidered with pearls and lined with ermine; bales of rare brocades and other rich cloths, and delicately carved and jewelled cups and flasks.

All this display proved one thing beyond peradventure: there was loot past counting in the Italian peninsula. And among those in the train of the English prince was a Sir John Hawkwood, a professional soldier of the toughest type, whose *White Company* of seasoned English "free companions" — the best fighters in Europe — formed the serious part of the Prince's escort.

Sir John Hawkwood looked at all this riot of wealth, and said bitterly: "How long has this been going on?" He decided right there to stay in Italy, with his men, and clean up. That clean-up was remembered for generations.

Because of its geographical position and chronically uncertain political structure, Italy has ever been a favorite hunting ground of adventurers, from Marius to

Mussolini. And now the curse of the *condottieri* descended upon it. Among the first of these appears to have been a German named Werner, who called himself Duke and commanded the *Great Company*. According to Sismondi, he left a trail like Alaric's from one end of the peninsula to the other. But he seems to have been just a plain unimaginative racketeer. He and his men lived on the country, outraging the common folk horribly, and collecting money and other loot from the larger towns under threat of assault and sack. He did not anywhere attempt to make himself a permanent government influence. That menace — which is the one to cause real concern in all racketeering at all times — began to make itself felt with Sir John Hawkwood and his successors. (It made itself felt in this country some time ago. For a long time people have been asking themselves which is the real government of the land, the racketeers out of office, or the recognized authorities — even in those cases where they do not seem to be the same gang. Honest citizens are wondering, angrily, why they should pay taxes to two governments, one of which is stuffed shirt and window dressing, while the other exercises the real power. Chicago, for example, has been wrestling with a "tax strike." Citizens, already paying heavy taxes to racketeers, who can deliver what they promise, are refusing to pay taxes to a city government which cannot. As this is written the titular government of the city of Chicago lacks funds to pay its policemen, firemen, and school teachers.)

When Duke Pippin asked Pope Zacharias who should be recognized as the true ruler — the man who has the power or the man who pretends to have it — the Pope did not find it hard to answer. The practical

fact is that the people pay taxes to the men who have the power to collect them.

Sir John Hawkwood was one of these. There was no doubt about his power. He had one of the finest collection agencies ever organized. His bills were written with grey-goose feathers of his archers and presented on the spear-points of his men-at-arms. They were paid at once. In his first campaign, Hawkwood struck terror, and he never had to strike again. "Never were seen in Lombardy," says one old writer, "men who behaved with such fury and license, giving quarter to neither man nor beast."

Their services, when they were not blackmailing and racketeering on their own, were sold to the best bidder; and they remained loyal until another faction raised the bid. How much graft-money they collected by these methods, in the years in which they roamed Italy, cannot be estimated. It must have amounted to millions of dollars in gold.

The Italians, with their Latin gift for apposite nicknames, called Hawkwood *Acuto* — which might be freely translated as a "shrewd guy." He had no more qualms than a modern racketeer about double-crossing an employer. Duke Bernabo, who had gotten the worst of a military argument with Pope Urban V., hired Acuto and his men, and the Pope was badly beaten in two battles. The Holy Father liked the way in which these imported gunmen demolished his armies, so he made them an offer to change sides. Hawkwood, at this time, seems to have thought it necessary to explain little treacheries of this sort. He gave out as his excuse that he was offended because Duke Bernabo was pushing his nephew, Giangaleazzo Visconti, too far forward in the

army. On the other hand, it may have been merely an amiable frame-up between the Duke and the *Condottiere*; for, while Acuto won a number of victories for the Pope, the Milanese ruler never lost a valuable town or castle. The campaign had all the earmarks of a sham-battle, as did so many of the campaigns of the *condottieri*. The Pope must have suspected as much, because he worked himself into a rage over these fruitless victories. "Bernabo, that son of Belial, has lost neither city, fortress nor town of any sort," he wrote to Acuto, who evidently grinned and remarked, "Too bad!" — because "Bernabo, that son of Belial," kept right on not losing cities, fortresses, or towns.

At last, in disgust, the Pope made peace with the Milanese, and decided to see if he could not get his money's worth out of Acuto by sending him into Tuscany to make some conquests around Parma. This enterprise was just as pleasing to Florence and Pisa as a rousing attack of the plague. There were a number of other *condottieri* of all nationalities in Italy by this time, but the Tuscan cities wisely decided that there was nothing to be gained by sham-battles, and that no *Condottiere* would risk a serious campaign against the terrible English. So the rulers of these cities took counsel with Acuto — and he emerged from the conference with the incredible sum of over a quarter of a million dollars in gold. Florence alone contributed about \$200,000. Out of this campaign the Pope got exactly nothing.

Acuto and his merry men marched off — racketeering, as they went, on other cities. At last Milan, Florence, Pisa, and nearly all the important cities of the north made common cause against the grafters. Simultaneously they fomented an uprising against the Pope,

which spread almost to the gates of Rome. Florence urged the allies to carry on the war until the foreign racketeers were driven from Italy, but this was not a practical military possibility. When the town of Cesena was captured and horribly pillaged, Bernabo had no difficulty in convincing Florence that it was cheaper to bribe Acuto than to fight him. Another huge sum was raised, and there was an attempt to make the tie more binding by marrying Acuto to one of Bernabo's daughters. At the same time two other *condottieri*, named Lando and de la Sale, the latter a Breton, were married to two other daughters. Bernabo seemed to be trying to run a family corner in *condottieri*. His purpose soon became plain.

After a little more desultory fighting, the Pope and the allies made peace. Then Bernabo turned Acuto's attention to his late ally, Florence, whose subject town of San Miniato was in revolt. Acuto defeated the Florentine army and captured the Gonfalon, which he sent to Bernabo. That is all Bernabo got out of the campaign. It was different with Acuto. He ravaged the countryside for a few days, but "failed" to capture San Miniato. The Florentines still had a good deal of money left.

Then Bernabo saw a chance to lay hands on Verona. He sent Acuto and Lando against the city. Nothing happened, excepting that the Scala lords bought them off. Bernabo lost his temper over this transaction, and openly accused the two *condottieri* of having been bribed to bungle the campaign. They were so shocked and hurt that they quit him instantly, and Acuto took his men south to do a little racketeering in those parts. By the time they had decided that there must be a new accumu-

lation of fat on the ribs of the northern cities, Bernabo had been deposed by his nephew Giangaleazzo, and was dead.

Bernabo's son, Carlo, persuaded Acuto to take up his quarrel over the succession. The *Condottiere* had always disliked this new ruler, and now he had a further grievance. Giangaleazzo had put Acuto's wife's mother, Donnina, in jail. Worse than that, he declared null and void the marriage between Bernabo and Donnina, which had come along rather late, and by this act he made of Acuto's wife a perpetual bastard.

But the Englishman was a sincere racketeer. He never allowed sentiment to interfere with business. He began preparations for war, and Giangaleazzo promptly offered him a large bribe to let him alone. Acuto accepted the bribe, and kicked out the unfortunate Carlo. As Florence was now getting ready to attack Milan once more, Acuto promptly went over and hired himself out to the Florentines. After a lot of assorted bribery — and one serious battle at Alessandria, in which Acuto was careful not to take part — the war ended in a victory for Milan. Shortly afterward Acuto died.

According to Doctor Burckhardt, it was Pope Gregory XI. who confirmed Hawkwood in the lordship of the two towns of Bagnacavallo and Cotignola, which served him as permanent bases. He was thus the first of the *condottieri* who, in what might be called the natural course of events, reached a position where he might have founded a dynasty. But there is no indication that this foreign cut-throat ever considered himself a permanency in that sense. This danger reached its full flower when the foreigners had largely disappeared, and the great *condottieri* were all native Italians.

These proved to be tougher, if possible, than the imported racketeers. They embraced the general scheme of the racket with gusto, and added a number of native improvements. One of the first of the great home-grown *condottieri* was a man of peasant breed, named Facino Cane. There were among the early ones many others of conspicuous energy and rapacity — notably Alberigo da Barbiano — but Facino Cane deserves special mention because he came within sight of the eminence actually attained somewhat later by the mightiest of all of them, Francesco Sforza, who became Duke of Milan, and founder of an enduring dynasty in one of the most powerful states of Italy.

What follows is worth consideration by governments which fail to suppress racketeering, and is of special interest to merchants and industrialists who foster and hire these gunmen. Facino Cane had been for many years, off and on, in the pay of Giangaleazzo. Then the latter died, and left his great duchy in the care of a weak regency for his two young boys. A feeble despotism is always the opportunity of the strong crook. And, in Milan, wealthy burghers and petty nobles fought each other and fought among themselves, each trying to further his own racket. They hired cheap bravos to do the dirty work, and street butcheries were more common in Milan than they are in New York and Chicago. "No one could have any security, save that he knew he would be impoverished," wrote Corio. "Within and without all was confusion."

Facino Cane saw his opportunity in this situation. Barbiano and dal Verme, the strongest of the other *condottieri* of the late duke, had gone off racketeering in other parts. Cane reached out for real power. Gabriele



Visconti, a bastard son, tried to make head against the boss-racketeer, but the mother of the two young boys would not give him the necessary support. She was afraid that he was working for himself, and not for his half-brothers: undoubtedly a good guess.

Cane made himself actual lord of the important towns of Alessandria, Tortona, and Novara. He was now strong enough to march all of his army up to the gates of Milan city, and declare himself chief pacificator and overlord of the realm. Giovanni, the elder of the two young Viscontis, appealed for aid to the French Governor of Genoa, offering to hold his dukedom as a fief of France. Cane defeated the Frenchman in one decisive battle, and imprisoned Giovanni in Milan. In the meantime, the younger prince, Filippo, who was lord of Padua under his father's will, had entered upon his possessions. Cane stirred up the Paduans against him. He then availed himself of this pretext to march against that city and make Filippo also a prisoner.

This peasant racketeer was now absolute lord of a great principality. His troops were unshakably loyal to his person. (He always treated his soldiers well, as did all of the great *condottieri*.) He was immensely wealthy, a skillful soldier, and a shrewd and ambitious man. There is little doubt that he would have declared himself Duke, but just at that moment he was stricken with a serious illness. Prudently, he moved to the neighborhood of Padua to await recovery. Giovanni got in touch with another *Condottiere*, Carlo Malatesta, one of that famous line of the racketeers of Rimini. He sealed an alliance with Malatesta by marrying the *Condottiere's* daughter. By this alliance, the Maletesta might have become as mighty in Milan as they were in

Rimini; but on the day that Facino Cane died in Padua, Giovanni Visconti was assassinated in the Church of San Gottardo in Milan.

[Note: The frequency with which assassinations occurred in churches during this period is less attributable to irreverence than to exigency. It was the one place where the victim could definitely be put "on the spot." Moreover, the observance of the Mass compels the devotee to kneel and bow the head, an excellent posture in which to take a dagger-stroke or a sword-cut where it will do the most harm. When Archbishop Riario, the unspeakable minion of Pope Sixtus IV., plotted the assassination of Lorenzo and Giuliano de Medici, it was planned to stab the brothers during a state dinner in Florence, where Riario was to be guest of honor. But the setting did not prove to be auspicious; and the Archbishop and his gang did not scruple to attempt the butchery in church the next day. Giuliano was slain but Lorenzo escaped, wounded — probably because the dagger-work on the latter was entrusted to amateurs, a couple of priests. Two of the hired thugs proved at the last moment to be too superstitious to slaughter a man at the altar.]

This double elimination of brother and *condottieri* left Filippo in a strong moral position, but in every other way in an extremely weak one. Then the youth quickly made a shrewd move which changed his whole fortune overnight. He married the middle-aged widow of Facino Cane, Beatrice di Tenda. She brought him more than a million dollars in gold and some two score towns and cities; and, above all, she brought Cane's army. The old *Condottiere* might be lying in his grave, but his troops would go marching on for the widow.

They were loyal to their leaders, these *Free Companions*, and that is about all that can be said for them.

A squadron chief of Cane's, a great flat-faced peasant named Carmagnola, succeeded to the command. He proved to be a happy choice, and became even more famous than his old leader. Under his victorious generalship, Milan waxed great once more, even capturing Genoa. Carmagnola's ambitions kept pace with his successes, and his hardihood was equal to anything. Duke Filippo Maria grew afraid of him and, to get him out of the way, made him Governor of Genoa. Also he got rid of poor old Beatrice, when he no longer needed her, in the same way that Henry VIII. disposed of Anne Boleyn. He had her "framed" on charge of infidelity, and she was executed with all concerned, including witnesses. This butchery of the widow of his old chief does not seem to have annoyed Carmagnola; but what did annoy him was the fact that Filippo kept him in Genoa and hired a rising young *Condottiere* named Francesco Sforza.

The Sforza were an astonishing family. Reared for generations in the atmosphere of the interminable vendettas of the Romagna, they were all born to the use of arms — men and women alike. After they had risen to power, one of the women, Catherine Sforza, was besieged in the citadel of Forli. The besiegers summoned her to the walls with the message that if she did not surrender, they would kill her children, whom they were holding prisoners.

"Kill them!" she shouted, "I can breed more to avenge them!" And the story is that she accompanied these defiant words with a gesture of the skirts which removed all doubt as to biological possibilities of

the fulfillment of the threat. A gallant lady, but a little rough.

The father of Francesco, and the real founder of the future greatness of the house, was one of the leading *condottieri* of his day. He was not only a talented soldier, but he saw bigger things than blackmail in the future of the *Condottiere*. There is little doubt that he had the conscious desire to found a dynasty, and that he directed all his son's thought and energy to that end. He took good care of his men, but would not allow them to perpetrate outrages on the humble country folk. He was not cruel, and he was always opposed to the sack of captured towns. He saw that in the long run it would be a more lucrative and enduring racket to rule these towns than to loot them. In other respects he was like the rest of his kind. He changed sides whenever and wherever profitable; and got all that he could in every other way. His great rival was Braccio da Montane. They were more nearly real enemies than most rival *condottieri*, probably through vanity. Each had worked out a system of battle tactics, and professional soldiers all over Italy argued about the merits of the rival schools, just as professional soldiers dispute over such things today. Braccio, by the way, enjoys the distinction of being one of the few *condottieri* who actually died of wounds received in battle.

This probably requires a word of explanation. For reasons which should be by this time at least partly manifest, the fighting between these bands of racketeers was rarely of a serious kind. They were in it solely for money, and their leaders were in it solely for money — and for power, which is much the same thing. There was enough loot to go around, with a great deal left

over; so there was no question of rival gang-leaders fighting it out for a rich but limited territory, as they sometimes do in our communities. There was, in the main, a friendly trust and understanding between the chiefs. Even Braccio and Sforza got together in perfect accord when it was to their joint advantage. Their common desire was to shake down the rich, and do each other as little harm as possible. Professional soldiers were not plentiful, and they cost money. The price of a good gladiator in Caesar's time ran into four figures; and, estimated on the basis of his earning capacity, a well-trained man-at-arms doubtless represented a much larger sum. The *condottieri* could not afford to lose these men in battles against each other, when their most profitable use lay in the more peaceful pursuit of blackmail.

Much of their campaigning was laughable. They would not take the field until spring was well advanced. And when the harvest was over they shut up shop for the winter. Their operations were generally conducted on the celebrated military principles followed by that famous Duke of York and his men, who marched up the hill and then marched down again. They were valiant to advance, retreat, and maneuver all summer, without once coming to hand-strokes. And when they did come to blows, these were not often serious. On several occasions they actually fought whole days of battle without the loss of a man on either side. Prisoners were scrupulously sent back to their commanders every evening.

This style of imitation warfare was possible because the armies of the *condottieri* consisted largely of heavily armed cavalry. Lack of fodder and other supplies

formed a convenient excuse for doing nothing. And men in heavy armor, each with a big shield, can whale away at one another with swords — and without scathe — until they grow arm-weary. Two such armies could put on so stirring a battle that even the crooked big-business men of Florence and Venice would think that they were getting their money's worth — and without doing each other any harm. Generally, these exercises were not much more dangerous to the combatants than those thrilling battles which we see in motion pictures. The terrible English, with their six-foot bows of yew, were gone; and no *Condottiere* would have been so treacherous to his caste-brothers as to bring them back. They were chronically dangerous to life and limb.

[Note: These invincible bands of English racketeers broke like water before the onset of Saint Joan. This illiterate peasant girl was not only an inspiring leader, who "turned boys and babes to men, and men to gods," but she was also a military genius of the first rank. Her conception of grand strategy places her with Hannibal and Napoleon and Grant. The English and French generals had to prove her a witch, and burn her, in order to save their own reputations; although it would seem that her explanation of the miracles she wrought should have soothed the vanity of even a professional soldier. She said that she had merely followed the advice of the greatest general in the universe, Saint Michael of the Flaming Sword, who led the legions of God when Lucifer was hurled from Heaven. A scientific age commands us totally to reject this simple explanation of her supernatural achievements — and thus leaves us without any explanation at all. A scientific age is altogether too prone to do that sort of thing.]

But if the *condottieri* kept faith with each other, and rarely with their employers, the treachery was not all on one side. The grafting princes and merchant cliques who hired these mercenaries were themselves as trustworthy as snakes. Many towns were seized by the *condottieri* simply because the rulers tried to bilk the hired soldiers of their pay. Usually, the *Condottiere* had to keep a more wary eye on his employer than on his "enemy." It was equally dangerous to be too unfortunate or too successful. After Carmagnola had left Milan and gone over to fight for Venice, he did some excellent work for the Venetian oligarchs. But when he had bad luck, they lured him away from his army, and treacherously slew him. On the other hand, Roberto Malatesta met the same fate at the hands of the Pope because he won too many victories, and was growing in power and popularity. Cesare Borgia, who, of course, could not keep faith with friend or foe, perfidiously slaughtered three *condottieri* at one time.

The truth is that they were all crooks together; just as today there is little to choose between the gunman and the politician, or business man, who hires him. If anything, the gunman is entitled to more respect.

To give accurately even an outline of all the doings of the *condottieri* in the years that preceded the rise of Francesco Sforza would daunt a German historian. They changed sides so swiftly and so frequently, and their employers double-crossed each other so constantly, that they must have been dizzy all the time; and wondering, most of the time, what it was all about. Alarmed by the desertion of the famous Carmagnola, Duke Filippo Maria of Milan was at great pains to bind young Sforza to his cause. He not only paid him an



enormous retainer, but publicly betrothed him to his only daughter, Bianca. She was an illegitimate, but his only child; and to that extent was presumptively his heiress. Twice Filippo broke his word, and the marriage engagement, and twice repented. When things were going smoothly, he thought no more of betraying a *Condottiere* than a *Condottiere* would have thought of betraying him.

Meanwhile, Francesco Sforza was cutting out for himself a considerable realm in Central Italy. When, for the third time, the Duke was forced to appeal to him for aid, Sforza refused to budge until the wedding ceremony had been performed.

Filippo Maria died without leaving any heirs to speak of; and, after some politics with bastards and others, the people of the city of Milan declared a republic. Powerful claimants for the throne arose, both inside and outside of Italy; among them great nobles, such as the Duke of Orleans, who was distantly connected with the house of Visconti. This was Francesco Sforza's great opportunity at last — what father had been training him for all through the days of his youth. The Milanese retained him to defend the republic, and he disposed of these high-born pretenders in short order. Then he returned to Milan, laid siege to the city and entered it as Duke. His family reigned for almost a century; and one of them, Cardinal Ascanio, was nearly elected Pope.

Curiously enough, some few of these racketeers became popular rulers, once they were firmly in power. Conspicuous among these, and justly so, was Federigo, Duke of Urbino. He was what might be called an illegitimate bastard of the family of Montefeltro. There is no doubt about his being a bastard, but there is strong

doubt as to whether his father was a Montefeltro at all. But he became Duke of Urbino nevertheless, and he was an amazing ruler. For thirty years he sold his sword to the highest bidder, and he was one of the bravest and most intelligent warriors of his day. He was as unscrupulous as any other *Condottiere* about taking bribes and changing sides, but his care of his own people of Urbino was extraordinary. He brought home money won with his sword and spent it on his city, instead of using his sword to extort money from his city. He also gained large sums by teaching the young sons of princely houses the art of war. (He excelled in the science of fortification.) He loved scholars, and he was unsparing of gold in his determination to assemble in Urbino a splendid library. The vice and general depravity of contemporary courts in Italy found no encouragement in the household of Duke Federigo. He disliked vulgar display, but the little palace which was built to his order was held to be of exquisite design. The money he brought in as a *Condottiere* enabled him to carry on all these, and other governmental activities with a minimum of taxation. He could, and did, talk to humble artisans about the technique of their crafts, and the prospects for increasing trade; and with the farmers of the realm about the state of the crops and the needs of agriculture. He knew an astonishing number of his people by name; and his justness and kindly urbanity made them believe that he had their welfare at heart. He was probably the only prince in Italy in hundreds of years who could walk the streets of his capital city, unarmed and unattended, by day or by night, and meet with nothing more menacing than a doffed bonnet and a fervent, "God keep you, Signore! "

One old writer, Francesco Vettori, said of him and his two successors: "They erected buildings, furthered the cultivation of the land, lived at home, and gave employment to a large number of people: Their subjects loved them."

It is easy to believe it.

Reformers of humbler station did not lead such pleasant lives. An Augustinian monk, named Bussolari, grew weary of the private morals and public oppressions of the reigning Beccaria family of Padua, and raised the people in revolt. (These Augustinians must have been a hard lot to handle. Luther was one of them.) For a time the revolution was successful, the women contributing their ornaments, and even their fine gowns, to the war-chest. But Duke Giangaleazzo of Milan seized on the uprising as a pretext for attacking the city. It was finally forced to surrender. Bussolari, however, was permitted to retire to a monastery, where he seems to have ended his days in peace. The stern Savonarola, who tried to purge the air of Florence of the Medicean miasma, did not fare so well. He, too, was for a time successful, but at last he was burned at the stake: a "heretic" who hated the rule of lecherous pawnbrokers.

In fact, the whole history of our race seems to show that we simply do not like reformers. We like to admire reformers, at a distance, which is a vastly different thing. Bussolari, a steel coat over his priestly robe, and his sword flashing on the walls of Padua as he battled vainly for righteousness. . . . The blazing eyes of Savonarola above the flames which the racketeers of Florence had kindled about his body. . . . St. Francis, making of poverty not a shameful curse but a chosen blessing, that he might be the more free to follow his

Master. . . . The barefoot Florentine laborer, a magnificent failure, beaten down because of his ignorant faith that men would love justice and mercy. . . . Luther, dauntless in the shadow of the stake. . . . The rushing banner of the Maid. . . . A few gleams such as these lighten the chronicles of those dark centuries, and make thrilling reading for us today. We can feel, without cost, a glow of vicarious virtue in the reflection that these great ones are our brothers in the human family; and even a warmer glow of satisfaction that they are too long dead to be an active nuisance about our ways.

Reformers make excellent saints, but uncomfortable companions.

## A Philosopher and Some Other Crooks

KNOWLEDGE is power," wrote Francis Bacon, Earl of Verulam, Viscount St. Albans, Lord High Chancellor of England. So he devoted his life to getting money, pursuing knowledge only at such times when the pickings were not good.

Bacon never permitted himself to be influenced by copy-book catch-words which he wrote for the consumption of others. In his earliest youth he perceived that money is power, and that only the "sap" hopes to become affluent by labor. He pursued money with the passion of a pawnbroker and the sycophancy of a street beggar. He whined and booklicked, double-crossed his benefactors, and finally disgraced the highest judicial office in England by taking bribes.

And with all of this, he never succeeded in getting as much money as he wanted. With all the will in the world to be a great racketeer, he lacked one essential — courage. He had none of the ruthless boldness of Caius Verres, the Roman judge, nor of the porcine Jeffreys, who was the last Lord High Chancellor under the Stuarts. Even in his bribe-taking, he always preferred to shake down the litigant who had the stronger case, so that he would have the defense that he had decided the matter according to the law.

"The meanest of men!" exclaims one biographer, in capital letters. This is perhaps a reckless statement. It is like the common assertion that So-and-so is the

weakest poet, or the homeliest woman, or the worst actor: there are so many candidates for the distinction. And the human race has produced some remarkably mean specimens.

It must be conceded, however, that Bacon should be placed well up among the leaders. In his youth his conceit was such that in a stronger character it might well have served in lieu of courage; but the instant that his uncle, the great Lord Burleigh, jabbed a pen into his pretensions, he collapsed into a groveller, and thereafter he was never anything else.

It may be urged in his defense that Bacon grew up to early manhood with the clear understanding that only saps work, and that he was one of the favored of the land. Affluence and power were his natural rights. His father, Nathaniel Bacon, had been a statesman and a lawyer of probity and ability — for twenty years Lord Keeper of the Seals under Elizabeth. His mother was a woman of remarkable culture, and her sister was the wife of Burleigh, whom Elizabeth trusted as she trusted no other man. Young Bacon expected to be comfortably well off when his father died, but the sudden death of the latter left him with a fifth of what he had expected.

When he was eighteen years old, Bacon began the study of law, but it is clear that he never expected to be dependent on his law practice for his livelihood or his advancement. He looked to court influence as the really important factor in his career. As a matter of fact, he was at no time an earnest legal practitioner, and the fact that he had never taken his profession seriously was a real handicap when his uncle might have been disposed to help him along; this despite his singular grasp of the philosophy of law.

When he was nineteen years old he began pestering Lord Burleigh for a post at court. Evidently his uncle told him that it might be well to be out of diapers, because he did nothing for the boy. Bacon was admitted to the bar at twenty-two and obtained a seat in Parliament the following year.

The young man now felt that he had done all that could reasonably be expected of him, and he was prepared to eat of the fat and drink of the strong. He informed his uncle that there were two little chores which he intended to take up and finish before essaying anything of real importance. First, he was prepared to show Burleigh and the Queen exactly how to run the kingdom. Concurrently, he would reorganize the wisdom of the ages — if there were any wisdom in the ages. But this possible lack need cause no uneasiness, as he could easily supply any wisdom which happened to be missing. For relaxation, he would settle some knotty points in the Church controversy.

The reign of Elizabeth was chronically uneasy, and a sense of humor seldom flourishes in a long-troubled mind. His uncle did not think this communication funny at all. He wrote a blistering reply, which can be boiled down to the fact that it expressed in classical language the conviction that his nephew was a hopeless ass. Bacon was abject in his explanations, and in his efforts to square himself with his powerful relative; but he was never wholly successful. A few little sops were thrown to him, but the Queen and her minister evidently put him down as one who could be of no use to them in the delicate and brain-racking work of keeping the crown of England balanced on the queenly brows.

Bacon removed all doubt as to his fitness when he



opposed an important tax-bill on a technicality. He was right about the technicality, and wrong about everything else connected with the project. He did not possess the political acumen to see that the Queen herself must have prompted the measure for good and sufficient reasons; and when he brought up this fact in his own defense, it naturally confirmed the opinion that he was without political sense or trustworthiness.

About this time he attached himself to the warm-hearted and impulsive Essex, as a sort of super-secretary and advisor. His cold timidity was doubtless a useful counterpoise for the favorite's headlong rashness. When the Attorney-Generalship fell vacant, Essex tried to bring about Bacon's appointment; but even his influence was insufficient. Elizabeth's almost unfailing judgment of men was working excellently at this time. The post went to a great and thorough, if pedantic, lawyer — Coke. Even the consolation prize of an appointment as Solicitor-General was denied him. Essex really worked hard for his friend, and seems to have persuaded Burleigh to give him lukewarm support in the matter of the Solicitor-Generalship; but it was of no avail. Bacon was doubtless the first lawyer of his age in grasp of the broad philosophy of law, but he simply would not work hard enough to become a practical master of his profession.

There is no doubt that the young man really needed money at this time. In these years when he was begging for good jobs at court, he scrupulously refrained from working as a barrister, with the result that he was subjected to the humiliation of an arrest for debt. Essex helped him out with the gift of a small estate up the Thames valley, worth about eight thousand dollars.

A few years later, Essex organized his silly uprising in the City of London. He was arrested and tried for treason. It would naturally be supposed that conspicuous among those in his defense would be Francis Bacon, the recipient of so many kindnesses at the hands of the favorite. On the contrary, with the transparent cunning of a pickpocket, he thought he saw a chance at last to ingratiate himself with the Queen by abandoning his friend and patron and appearing in support of Coke for the prosecution.

It would be possible to excuse even this, although common decency would have dictated an attitude of at least neutrality, until Essex had been proven guilty; but Bacon did not stop there. Coke conducted the prosecution with a blundering ineptitude which was far from usual with him, and leads inevitably to the suspicion that he was not making a sincere effort. There was no doubt about the technical guilt of Essex. Coke probably looked upon the whole thing as a sort of petty outbreak of a "lovers' quarrel;" and it is quite possible that he had received vague and unofficial intimations that the Queen would be just as well pleased if the Crown's case were not unduly pressed.

It is quite certain that if it had not been for Bacon the trial would have resulted in a technical verdict of guilty — in an atmosphere which would have permitted the Queen to exercise mercy without peril to the throne. But Bacon saw his great rival "blundering," and his cheap little soul leaped at the chance. That Essex — the man who had treated him as a friend and equal, and had saved him again and again from want and humiliation with a generosity so delicately exercised that it ennobled rather than abased the recipient — that this man was on

trial for his life meant nothing to Bacon. He rushed to the front, when Coke was stumbling, and compared his benefactor's disturbance of the peace with the crafty *coup d'état* of PISAISTRATUS, the Athenian Tyrant, and with the brutal treason of the Duke of Guise. This last was peculiarly dastardly. All the world knew that the degenerate Henry III. of France was a lackey to the House of Lorraine, and was eating out of the hand of the arrogant war-chief of the Holy League; and Bacon thus charged that Essex had plotted to put Elizabeth in the same humiliating position. This parallel, drawn with eloquence before the open bar of the Peers, was calculated to make the proud and high-tempered old Queen foam at the mouth.

Essex was convicted and executed, and Bacon could not understand why he was more heartily despised than ever. The execution was nowhere popular, excepting in the little coterie of the court which had always intrigued against Essex. Bacon was shunned; and even the Queen was coldly received when she appeared in public. So Bacon wrote a long defense of his actions, in which he further blackened the honor of his dead friend. This had the effect of increasing the general disgust; so Bacon explained that he had merely supplied the literary skill, and not the matter of the document.

Of course, Elizabeth loathed this abject crawler. But he was exactly the type to creep straight into the heart of her successor — the slobber-mouthed first of the Stuarts. Bacon's insatiable appetite for shoe-polish spoke to the deeps in the soul of James I. The latter also had a favorite, and it was also a man — at least, technically. It was a page-boy who suddenly blossomed out as an ignorant and arrogant power in the councils of the King.

His name was George Villiers, and he was created Duke of Buckingham. Bacon licked his boots, too — on one occasion literally, according to testimony. Bacon had — inadvertently, of course — offended this upstart; and, after being kept waiting for two or three days in the humiliation of an outside antechamber, he was at last admitted to the “presence.” According to a contemporary, who says he was present at the time, Bacon rushed into the room, fell on his knees, and kissed the shoes of the King’s minion.

With the display of these qualities, his rise was rapid. It needed to be. He had collected about five thousand dollars in blood-money as his share of the fines imposed upon the Essex conspirators, but this was not much for a man who liked to live in the style of a king. He proved that his grovelling was sincere by refusing no piece of work, however detestable or corrupt. Against the laws of England and of humanity, he put to the torture a poor old preacher named Peacham, in the vain effort to make him confess a treason of which he was innocent; and then he tried to “fix” the judges before whom Peacham was to be tried. When Villiers wanted to confer a racket on a relative, named John Villiers, he ordered Bacon to arrange a patent of monopoly in such a way that John and his partners could run riot in the gold- and silver-thread business. They were given a patent which conferred upon the holders unlimited right of search and arrest. This power was used not only for immense racketeering, but also to satisfy private grudges. They extorted money from men and sexual gratification from women. The alternative was arrest; and Bacon made clear, in a few cases, what a heavy punishment that meant. They used cheap imita-

tion stuff instead of real gold and silver, and it was as much as a man's fortune and liberty were worth to come before Bacon with complaints of these abuses.

So he made an excellent Lord High Chancellor for this sort of king and king's favorite. At a word from Villiers, he decided any law case in the way that the favorite desired. In one instance he reopened a matter, which had been finally and justly settled, and reversed the judgment, because Villiers wanted to do a little favor for a friend.

Bacon was not expected to ignore the financial opportunities of his high office, and he took all the bribes he could get. He employed two barristers regularly in this rich field, and they brought home the sheaves with great industry. His personal attendants were equally diligent. (Note: The counterpart of this judicial system is frequently found in our own courts: a corrupt judge who is always subservient to the political boss who made him, and at the same time works with crooked lawyers for his own pocket.)

The Lord High Chancellor habitually took bribes from both sides — if there is anything in presumptive evidence — and this was finally his undoing. When he pleaded guilty to more than twenty counts of bribe-taking he pointed out in extenuation that in every case he had decided the matter against the side from which he had taken the bribe. Naturally, the disappointed litigants were the ones who would "squeal." Hell has no fury like a briber, when the bribe-taker fails to deliver the goods as specified. The successful litigant would hardly come forward and demand a retrial on the ground that he, too, had corrupted the court. One historian estimates, or guesses, that Bacon collected about a

half million dollars in this way, but this is probably an exaggeration. However, he lived royally; and he retired with an income of eight or ten thousand dollars a year, part of which was, however, honestly his own.

The word "retired" is used advisedly. Bacon was stripped of judicial office and civil rights, fined heavily and ordered to be imprisoned at the King's pleasure. The only part of the sentence which was carried out was the loss of his job.

The late Earl of Birkenhead, himself Lord High Chancellor (once widely known as "Gallop" Smith, when he served as a sort of courier and political flunkey for the Carsonite rebels of North Ireland in 1914) wrote a specious defense of Bacon's conduct on the bench, in which he ape'd an earlier British lawyer, Basil Montagu, who was demolished by Macaulay. Birkenhead argued that all judges in those days accepted "gentle rewards" — which was undoubtedly true, although there is no plain and conclusive evidence of it — and that there is no proof that Bacon decided cases unjustly because he was bribed. Litigants bribed him merely for the fun of it, just as they did Caius Verres. This second argument has been dealt with; and a general application of the first contention would have required Lord Birkenhead to dismiss a burglar, caught red-handed in Portland Place, on the ground that other burglaries were going on in Berkeley Square and Park Lane.

All these defenders of Bacon are troubled by a difficulty which is not a difficulty at all. They feel it a duty to his memory to place his moral conduct on the same plane with his mental achievements. This is not only impossible, but unnecessary. An utter want of character

is not incompatible with unique intellectual power. Cicero had incomparable gifts as a lawyer and a statesman; but he was, on the written confession of his own letters, a timid straddler. Rousseau, the foremost social thinker of his time, wrote *The Social Contract*, and then threw his own children into a foundling asylum. Solomon's name is a symbol for common sense, but not for common morality.

And we owe to the memory of Bacon some hope for the future of the race of men. It is not at all to his credit, but it is greatly to the credit of mankind, that with each succeeding generation he is more and more remembered as Francis Bacon, one of the greatest of philosophers; and less and less as the Viscount St. Albans, Lord High Chancellor of England, a snivelling sycophant and racketeer.

It is ironically fitting that the Stuart era should open with a rotten judge and close with a rottener — George Jeffreys of the "Bloody Assizes," for racketeers of all kinds fairly swarmed in those days. It would be hammering the text too long to go farther with the patent-of-monopoly racket, such as the Villiers boys worked. Moreover, in an economic sense at least, we have much the same racket in our own country today. Our high tariff is but a thinly disguised method of arriving at the same result. It confers monopolies on favored interests, and the American consumer must use shoddy or over-priced goods, or go without. If any man sets out with a bad start in the morning, because his alarm-clock fails to work and his safety-razor blade runs futilely over his beard, he can blame the tariff. We make flimsy clocks and shoddy steel, and the tariff prevents us from getting these things elsewhere. A good



German alarm-clock costs about forty cents, but it cannot be retailed here for less than about two dollars and a half; and foreign steel is practically embargoed. Some years ago, a manufacturer of farming implements had to threaten to put up a steel-plant of his own, before he could get steel of a quality good enough to be worked over into plowshares. But we can sell steel rails in Manchester, where the English make them, at a price five percent below the best the English can offer. So it goes through pretty much the whole list.

Of course, these monopolies have been from time immemorial for the "protection" of some one or other, consumer or worker — never for the profit of the men who profit by them. Even "beer-hustlers" have caught this cant. When they "muscle in" and force a speak-easy proprietor to throw out his beer and put in their own brand, under pain of losing his teeth, they are "protecting his customers by seeing that they get good beer."

As for the "protection" of workers, all that needs to be noticed in this direction is that the textile and steel industries, among the most highly protected, are among the most brutal labor-crushers since the Middle Ages; and their relations with their workers are chronically those of an armed truce or modified civil war. During the last great steel strike, a friendly journalist approached the late Judge Elbert H. Gary, head of the United States Steel Corporation, with the idea that it would be only fair to present to the public the employer's side of the struggle. The journalist was, however, somewhat stunned when the steel magnate stated calmly in reply to a question:

"We should open the immigration doors to all

Asiatic labor. We need those orientals to underbid American labor."

The journalist, still determined to be friendly, declined to print this statement unless it was given in writing. Judge Gary then thought better of it.

However, Dr. Hastings S. Hart, of the Russell Sage Foundation, recently pointed out that "the great majority of those doing useful work are morons," folk with whom this discussion is not directly concerned. The tale of John Cottenham, a man whose faculties had never been dulled by labor, is vastly more diverting.

Cottenham began life as a chimney-sweep and a petty thief. He must not be sneered at for that he was a chimney-sweep, because he merely used this occupation as a means to the end of thieving. He soon graduated to higher things, and was known to the underworld of the London area as "Mulled Ale." Mulled ale is warm stuff; but there is, unfortunately, no datum as to the significance of this sobriquet. He had attained a position of some prominence as a high-grade thief and highwayman when Charles I. determined to teach the English people that a king must rule as well as reign — a course of instruction in the science of government in which the English have ever been singularly backward.

In the Civil War which followed, Cottenham found many opportunities to exercise his talents. War is always a good thing for crooks, which is the only justification for it, and is the only one which is never urged. Racketeering is then unrestrained and unrebuked. The moral sensibilities of even normally decent men are numbed by the brutally unmoral fact of war itself, and grafting and stealing become subconsciously unimportant in the

face of the single great appalling crime. In peace-time, we put a mail-robber in the penitentiary. In war-time, we put him in the Intelligence Service. And so it goes. When Canon Reade wrote that war is always against the solid interests of mankind, and Thackeray pointed out that the words "soldier" and "murderer" mean the same thing, the great scholar and the great satirist combined to say the last word on this subject — although that last word has been echoed in countless large volumes.

Cottenham was a murderer, and not at all concerned about the solid interests of mankind; so he found the Civil War excellent hunting ground. He changed sides with profit again and again; but one of his choicest exploits rivals the enterprise of the two sons of Eli in working the Church.

Cottenham happened to find himself in London, and on the side of Parliament, when he met a man named Naylor, who had founded a new sect of a bitterly Puritan complexion. Naylor had discovered a new way to redeem the race. He said that one of the most prolific sources of evil lay in the desire of men and women to ornament their persons, especially with gems. The way to abolish covetousness and theft and skulduggery generally was to abolish all bodily ornamentation, with stress on the jewelry.

Mulled Ale embraced this new doctrine with passion. He was one of the principal shouters in Naylor's meetings. His "Amen" and "Hallelujahs" and "Have-at-them-brothers" rose above all other responses. He became conspicuous as a godly follower of Naylor, and a rising hater of Midianitish gewgaws.

His zeal mounted to the pitch where he could no

longer endure inaction. What was the use of all these words, save to bring men slowly and singly to grace? The land must be purged of the evil itself. The Lord asked for works as an earnest of faith. Were they Laodiceans, neither hot nor cold, to be spat out at last on the Last Great Day? There must be a sacrifice acceptable unto the Lord. They must make a testimony, and he knew of a big goldsmith's establishment in the City which was exactly the stuff for a good, highclass testimony: a fine place to begin abolishing these whorish gauds, which were pleasing in the sight of Satan and an abomination unto the Lord.

Followed by a goodly number of self-made saints, Cottenham proceeded to the chosen spot; and the goldsmith's establishment was scientifically looted. The leader had been thoughtful enough to bring along a couple of horses, equipped with large bags, and into these the jewels and gold-work were loaded. It was more than a small fortune. It appears that one or two of his followers attempted to reserve certain of these devices of the Devil for private destruction, and these backsliders Cottenham incontinently stabbed.

Cottenham then addressed his followers once more, to the effect that only the strong should be subjected to temptation. He was himself exceptionally robust. He would therefore, alone, take this horrible stuff somewhere beyond the City and in a quiet place destroy it; so that never again would these trinkets enter the light of day to the jeopardy of the souls of men.

The motion was carried, and Mulled Ale marched off with the loaded horses. The Naylorites never saw him again. How they felt about it is not known. They probably argued that the transfer of this evil substance

from a licensed dealer to a murderous bootlegger was a service to God and man.

Legend has it that Cottenham later held a post close to the second Charles, when the latter was in exile in Paris. It also claims for him that on the eve of the young Prince's departure for Holland, Cottenham managed to substitute lead for gold in the royal treasure-chest; but this is mere tradition.

His end contains a fine moral lesson — that a man who is prosperous in racketeering should stick to the Church and avoid evil companions. Cottenham had just finished a highly lucrative robbery, coupled with a murder or two, and was relaxing in an inn with boon companions. Among them was a comparatively humble thief, who had been caught, and branded on the forehead with a "T." Cottenham, in his cups, made this misfortune the subject of a series of unseemly jests. The branded thief strolled out into the night and found some sheriff's officers, whom he informed as to the present whereabouts of Mulled Ale and as to his recent activities. Three days later Cottenham was hanged.

Highwaymen, by the way, flourished in England long after the Stuart period; and even in that day some few of them developed into real racketeers. One celebrated hold-up man, William Nevison, of Yorkshire, who worked the North Road, discovered that racketeering offered a steadier income than robbery. He entered into an agreement with the drovers on the North Road, whereby he agreed to protect them from other freebooters in consideration of a regular quarterly payment. Moreover, he furnished the protection, which the regularly constituted authorities were unable to do. And he gave generously to the poor, so his days were long in

the land. These men were able to operate with impunity because the inn-keepers were their allies and intelligence officers. "The thieves are our best friends," says the Burgundian host in *The Cloister and the Hearth*, after detailing a long list of rackets inflicted upon him by the law-officers of the province.

In view of the fact that Charles II. sold the realm of England to King Louis XIV. of France for, and in consideration of, the sum of one French girl and a few million dollars a year, it is not surprising that everything else in England was for sale. From gambling concessions to legal decisions it was simply a question of, "How much?" Racketeering in business and in vice enjoyed a splendid prosperity under the Merry Monarch; but it must not be supposed that these things, especially vice, had been neglected in the days of the Commonwealth. The Puritans had plenty of use for prostitutes, but they did not like being caught at it; and it was about this time that the "segregated district" idea began to take definite form. A respectable Puritan could duck into Lewkenor Lane after prayer-meeting without outraging his neighbors' sense of "outward decency," in the admirable phrase of a late mayor of New York. The small-town house of prostitution in this country is still operated on the same discreet principle. It is part of our Puritan heritage.

It is perhaps but just to add that the better part of the Puritan heritage still persists in men like Senator Thomas J. Walsh of Montana. He is one of the few sincere Prohibitionists in the high places. He is a man of modest demeanor, resolute mind, and bitter integrity. His ideals of service are high and immutable. The kings of the copper world would have made him a million-

aire many times over, but for the fact that he was always to be found in court battling for the underdog. His patient work exposed the infamous oil scandals in Harding's administration, a public service rendered with fidelity and without demagoguery. In creed he happens to be a Roman Catholic, but he is the embodiment of all that is good — and of the best aspects of much that is bad — in the Puritan tradition.

The unconcealed desire of the Roman hierarchy to re-establish Catholicism as the state religion of England gave rise to a series of "Popish plots," and promoted the prosperity of a handful of remarkable professional informers. One of these, Titus Oates, literally shook the kingdom with lies so preposterous that it would be impossible for us to understand how they could have been believed, were it not for the fact that lies even more preposterous were believed in large sections of this country long before 1928, when a Catholic, Governor Alfred E. Smith of New York, became a candidate for the Presidency.

Oates swore that the Jesuits had an army of twenty-five thousand men at Corunna, in Spain, all ready to invade England as soon as the King had been assassinated. But a New York journalist in Georgia was solemnly assured that the Pope had a fleet off the Atlantic coast all ready to invade the United States as soon as a Catholic should be elected President. The English of that time had, at least, the vivid memory of the Armada to excuse their gullibility. Our ignorant bigots have not even the excuse of the heat of political controversy. Thomas Beer, in *The Mauve Decade*, records that in 1894, "a gentlewoman whose name was as Irish as Kelly was forced to take oath at a school not far from



Ralph Waldo Emerson's grave that she was really a Unitarian, as she had represented herself to be, before beginning to teach algebra to the young Yankees. Returning from this humiliation to her lodgings, she found a gang of Christian women rifling her trunk in search of a nun's veil, or penitential emblems." If the Christian women had only had the imagination to "plant" the contraband they could not find, there would have been a tiny Meal Tub Plot all complete.

It is this sort of thing that has made possible the extortions, assaults, murders, and assorted crimes of the Ku Klux Klan, and the bucketshop gambling of Bishop Cannon, who, as this is written, is still denying the right of the United States Senate to ask him what he did with more than forty thousand dollars of campaign funds. It has also brought on us the national shame of an Assistant Attorney-General of the United States making a sectarian appeal in a political campaign behind the mask of a "dry" speech. Bigotry, being without sight or sense, is a ready tool for the racketeer.

Titus Oates had decided in his youth that working the Church was as smooth a way as any of getting through a hard world. He had intelligence and the gall of a bandit; but he was innately so crooked and licentious that he was ejected from one sect after another. It seems probable that he was for a short time at a Jesuit seminary in Spain, and was, as usual, thrown out.

Having now run through about all the churches extant at the time, Oates began to devise ways of capitalizing his experience. It occurred to him that if he could make people believe he had been in a Jesuit seminary he could probably convince them that the Jesuits were

plotting a series of state crimes with a view to seizing the realm of England. There would be vague elements of probability, because of the known desire of Rome to re-establish the Church. So Oates publicly declared that he had proofs that the Jesuits planned to kill the King—in three different ways—and a few other prominent persons as well. The Queen, who was a Catholic, was in the plot, and so was a zealous Catholic named Coleman. Oates actually made oath that he had been standing outside an open door in Whitehall Palace and had heard the Queen and Coleman plotting to poison the King.

The night of the day on which Oates swore to this stuff in court, the sitting magistrate, Sir Edmundston Godfrey, "the most honest judge in England," was murdered. For Oates' purposes, this was too good to be true. From being a joke, he became overnight a hero. Arrests were made on all sides. Guards were placed about the City, and all men went armed.

Oates embroidered his tale, and prospered. Coleman and a number of other innocent persons were tried and executed on the testimony of this thug, and of the other informers who sprang up in his wake. His story broke down so often, and was so plainly a mess of lies, that King Charles openly laughed at it from the beginning. But Oates received a fat pension and other perquisites, and had a free hand in blackmail. The prosecutions went on under the driving force of the brutal Jeffreys. Jeffreys later condemned Oates as a perjurer for producing the very evidence which Jeffreys used in procuring these legal murders.

The success of Oates encouraged others to emulate him, several of them under his tutelage. They all did

well financially for a time, but vengeance at last caught up with them. Jeffreys, as judge under James II., condemned Oates to be flogged from Newgate to Tyburn on one day, and from Tyburn to Newgate on the next but one. It is estimated that he received about three thousand lashes in the two days, but he survived: a "sturdy rogue." Another was whipped to death, and all who were caught were savagely punished.

But for the murder of Godfrey this reign of informers would probably never have been possible. The English were not at all concerned about "Popish plots," but they were much concerned about civil disturbance. They did not want any more civil wars or upheavals. Although, as a people, they have always been rather more religious than most, the English have never been hogs for prayers; nor have they ever been much troubled about nice distinctions in observances of the faith. In the Tudor period they changed from the Catholic to the Reformed Church, back to the Catholic, and again to the Reformed, without ever breaking step. Cardinal Bentivoglio estimated that perhaps one thirtieth of them were really in favor of Catholicism, and that more than four-fifths of them would cheerfully adopt it, if it became the state religion. Lord Burleigh was a Catholic under Mary and a Protestant under Elizabeth, and no one thought any the worse of him for that. If a few churchmen wanted to persecute and burn each other now and then, over arguments about Transubstantiation and the like, it was all right with the English — so long as they did not start any more civil wars.

But the murder of Godfrey made it look as if some one were really serious — and no one suspected Oates. He is the only person who could have profited by the

murder, and he certainly did profit. In a few weeks he rose from obscurity and went to affluence and power. Rich Catholics trembled at the sight of him, for denunciation by this blackleg was simply an introduction to the executioner. How much money he extorted in these days will never be known. One of his gang swore that a rich Catholic banker had proclaimed in a London tavern that he would kill the "heretic usurper," meaning King Charles — about as likely an occurrence as a president of a Union League Club announcing in a night-club that he was about to throw a bomb at President Hoover.

It must not be supposed that this evil was a singular sin confined to any one sect or political faction. Royalists and Roundheads, Puritans, Anglicans, Independents, and Catholics, all made use of these detestable instruments whenever it suited the purposes of persecution or extortion. When Dissenters held their religious meetings, contrary to law, a horde of informers made it their regular business to smell out these congregations of earnest religionists, and extort money from them under a threat of exposure to the Anglican authorities, and to the inhuman punishments which followed. Under the Test Act, none but a member of the Established Church could hold civil or military office. If any such failed within three months to take the sacrament, he could be fined \$2500, and the informer got the fine. On the Continent, many a personal enemy was crushed, and many a crook enriched, through the agency of the Holy Inquisition.

From the earliest times, laws of this sort, which attempt to regulate what a man shall eat or drink or speak or think, the attempted curtailment of those

fundamental liberties which cannot be given up without forfeiture of human dignity, have ever been most fruitful of racketeering. Men of valor will not obey them, no matter what are the penalties. And men of little valor will not obey them, either; but they will pay extortion money to escape the penalties.

All that was bad in this period came to a climactic synthesis in James II. He was a religious bigot and an utter libertine. This equal-part mixture of fanaticism and lewdness has never been rare, in our own or any other time, but it is invariably what original Americans call "bad medicine," for it involves an unceasing psychological torture which constantly swings a man from one violent extreme to another, and produces a splendid crop of assorted villainies. James was zealously devoted to the Catholic faith, and he was as lecherous as a Caliban. He would have none but devout Catholics about him, and he regarded the maids-of-honor as a private harem. He sincerely loved his brother-in-law, the Earl of Rochester, but he dismissed him from the highest post in the government because he would not become a Catholic. A young maid of honor admitted that she had not yet been called to the royal libertine's arms, but was momentarily expecting such a summons. "For you know," she added naïvely, "'tis impossible to refuse."

[Note: The word "libertine" was first applied in the Middle Ages to one of several Christian sects who believed in the communal ownership of all things, including women. They were the theological heirs of the Gnostics of the second century, who held that man was saved by faith alone and that therefore his morals did not matter. They rejected entirely the ethical content

of the Christian teaching. Shortly after the revolution, a small Russian community "invented" the same idea, and thus gave rise to the nationalization-of-women propaganda against the Soviets, which was so popular about 1920. The modern menace of Communism is one of the oldest phenomena of the Christian era; and Communists should be told so, instead of being harassed and persecuted. Nothing could be calculated to make an advanced young intellectual sicker than to be told that he is merely a shopworn Christian.]

James wanted only the vice of avarice to be a tyrant of the highest rank, but of this taint he was curiously free. However, the more cruel and rapacious were his servants, the better he liked them; so he might just as well have been a racketeer himself. Rochester extorted two hundred thousand dollars from Lord Grey, one of the principal leaders of Monmouth's uprising; and the racketeering of Colonel Kirke and Judge Jeffreys in the wake of that rebellion is still a memory of horror in the West of England.

The Duke of Monmouth was an illegitimate son of Charles II., by one of his early mistresses. He declared for the Protestant faith; and the Puritan fanatics of the southwestern counties hailed him as their deliverer, although he was conspicuously worthless in a generally dissolute and cowardly family. His forces were crushed at Sedgemoor; but the brave and misled farmers came within an ace of victory — and of putting an everlasting crimp in the career of a military adventurer named Jack Churchill, who later became the great Duke of Marlborough. The scare was probably partly responsible for the savagery which followed.

The policing and pacification of the disturbed area

was entrusted to a Colonel Kirke, who commanded a regiment which had been raised for the occupation of Tangier. They were but newly returned from Africa and the sporadic warfare of the Tangier country. In Africa, Kirke had been a despot. His rule in Tangier was absolute; and his character was considerably worse than that of the worst of the old *condottieri*. Even the people of Tangier, long habituated to oriental despotism and extortion, were terrorized by his brutal rapacity. On pain of death, no transactions were permitted in the market place until Kirke had had his first choice of the goods — at his own price. All law-cases must be decided by him, and he decided them openly in favor of the longer purse. He lived in drunken licentiousness, like one of the least admirable of the old Roman provincial governors; and the merchants and other residents of the city paid the bills. Incidentally, they were constantly maltreated and unofficially robbed by Kirke's soldiers.

Because they were thus spreading Christian light among the heathen, these blood-stained racketeers carried a regimental banner which bore the Paschal Lamb, symbolic in Christian iconography of the sacrifice of Jesus. They were known as "Kirke's Lambs."

Kirke and his Lambs applied these African methods to the people of Somerset. Of the wounded and prisoners of the poorer sort he hanged about a hundred, to show the population that he meant business. Then he began selling "safe-conducts." These papers were quite worthless in law, but they enabled the bearers to pass Kirke's outposts and reach friendly sea-ports, whence they could take passage for America. Many of these ships sailed so badly overloaded with passengers



that there was serious danger of a shortage of food and water. The safe-conducts sold for from a hundred and fifty to two hundred dollars each.

This exodus of rebels (Kirke considered any one a rebel who had the price of a safe-conduct) soon attracted the attention of the authorities in London. James did not mind racketeering within reason, but his own pleasure lay in hangings; and Kirke's rapacity was upsetting a fair balance. "His Majesty commands me," wrote Sunderland, one of the King's ministers, "to signify to you his dislike of these proceedings, and desires you to take care that no person concerned in the rebellion be at large."

Kirke continued as before; but, to placate the King, he also filled the jails with thousands of farmers and small tradesmen, for the most part innocent. Then it became evident that Kirke's "proceedings" were merely a cocktail before the banquet of blackmail and massacre. Lord Chief Justice Jeffreys presided over this feast.

Jeffreys was a half-educated and brutal drunkard and blackmailer, with even fewer scruples and infinitely more effrontery than Francis Bacon. He taunted with coarse blasphemies the victims of his legal lynchings; and he threatened with torture and hanging the trembling farmers and tradesmen, who hesitated at perjury to send their friends and neighbors to the gallows, or to the hideous slavery of the West Indies. On one occasion he threatened to hang a whole jury if they did not instantly bring in a verdict of guilty against an innocent man. He condemned an old gentlewoman to the stake because she had fed and sheltered two fugitives, far from the field of battle — without troub-

ling about proof that the men were rebels, or that the old lady knew it. He hanged about five hundred, sold twice that number into slavery, and waxed rich.

Of course, no one suffered who could pay the monetary price to avoid suffering. Jeffreys had a regular gang of informers with him, and these hurried about and made bargains with the well-to-do. The fact that numbers of these men had no more to do with the uprising than the College of Cardinals made no difference. "There is not one of those lying, snivelling, canting Presbyterians but had a hand in the rebellion," roared Jeffreys from the bench. So his gang worked on this well-established legal principle. They pillaged the lesser folk for their own pockets, and brought in the big game for their boss.

In the latter class was one Edmund Pridieux, son of a wealthy lawyer, who had taken no part in the rebellion. He paid Jeffreys seventy-five thousand dollars for a pardon, and with this money the Lord Chief Justice purchased an estate near London. The people called it *Aceldama*, after that "field of blood" which was purchased with the money paid to Judas for betraying the Innocent.

All pardons must be purchased from Jeffreys. If he learned that one of these prosperous squires or merchants was trying to reach the King through other channels, he made short work of him as an example; and his informers and perjurers spread the story through the countryside. Jeffreys was not open-handed, but he was impulsively generous with his gang. One night in a gin-mill he flung the pardon of a comparatively wealthy prisoner to one of his creatures, as a reward for an obscene jest.

Inevitably, this system began to annoy the hungry ones at court. The men attached to His Majesty in London saw no reason why Jeffreys should not be forced to share the spoils. After much argument, they were given the right to sell prisoners to the West India slave-traders. As there were about a thousand of these who could not pay large bribes, and as they were worth in the slave-trade from fifty to a hundred dollars each, this traffic ran into tidy profits.

Nor were the maids-of-honor at court forgotten. They were presented with a group of Taunton school girls. These young ladies, all dressed in white, had sung songs of welcome to Monmouth and had presented him with a banner. Some of these female seditionists were all of ten years old. The maids-of-honor demanded thirty-five thousand dollars for their liberty. But they had difficulty, even in those times, in finding a dependable agent who was willing to handle the dirty negotiation. It is regrettable that Macaulay is able to make out a rather strong case that the deal was finally put through, for a much smaller sum, by our own William Penn. It was a filthy business.

It should be recorded that as a rule only the poor folk among the real rebels suffered any punishment. Mention has been made of the fact that Lord Grey, one of the chief plotters and open leaders, made his peace at the price of a fortune paid to the king's brother-in-law; and others who escaped the clutches of Jeffreys made similar compositions with the King's henchmen.

Shortly after these affairs had been adjusted, James II. lost his throne. Jeffreys, trying to escape abroad, was caught and put in the Tower. Here he soon died

of terror and debauchery, trying vainly to keep up his courage on a diet of brandy.

The late Lord Birkenhead is not alone in finding excuses for these racketeers, on the general ground that they were the "product of their times." Other historians, appalled by the corruption of the Stuart era, have more or less timidly advanced this plea in extenuation, at least in the case of a favored individual. *Mr. Pecksniff*, that hypocrite for the ages, stated this argument finally and in a few words:

*"There is nothing personal in morality."*

Obviously, the exact opposite is the truth. Morality is wholly personal. No "period" ever made men what they are. Men make the period what it is. And, even in the Stuart days, there were plenty of clean Englishmen who showed that they could die for decency.

These were not the "product of the times."

## EIGHT

### A Man Who Stopped at Nothing

ABOUT four years before James II. dropped the Great Seal into the Thames and fled to foreign parts, thus ending the regal career of the last of the Stuart kings, another king was born in the little English town of Wolverhampton. He was fully as crooked and treacherous and ruthless as the worst of the Stuarts; and, in his limited realm, he came into that absolute power which they had known only in their dreams. He held his subjects to him by the two strongest chains that can bind mankind — cupidity and terror. His name was Jonathan Wild, and he was the first great king of the underworld.

Wild had genius for organization, coupled with executive ability of the highest order, and he was entirely free of moral fetters. From prostitutes and pickpockets up to highwaymen and swindlers, the entire criminal population of London and the surrounding counties recognized him as overlord. He directed their activities, and disposed of the spoils; yet for many years he managed to keep the visible part of his organization within the law. Never, until near the end, did he defy the law. He simply kept a little ahead of it. But the unconscious arrogance and mental sluggishness born of many years of unvarying success led him at last into an error more prosaic than the failure of Al Capone to hide his bank accounts. Then he was hanged.

Wild was born about two hundred years too soon. With his remarkable foresight, adaptability, capacity for organization and shrewdness in slipping through gaps in statutory hedges, he might today have become a great leader of the business world. When the elder John D. Rockefeller and his pals were using the bludgeon of railroad rebates and "drawbacks" on the shipments of their rivals to drive them out of the oil business, there were no specific statutes against these practices. The late William C. Whitney paid Elihu Root the compliment of saying that he, Whitney, had had many lawyers who had told him what he could not do; but Root was the only man who could show him how to do anything and yet stay within the law. "Law is just tricks," says the racketeer; and the shrewd racketeer retains eminent counsel to work those tricks for him. Wild was too sure of himself.

Before there can be a great king of the underworld, there must necessarily be a great underworld; and the underworld of London, and of England generally, was hugely swollen under the Tudors and Stuarts.

This growth may be roughly traced to several causes. First, the long French wars of the Plantagenets bred a crop of professional soldiers, many of whom found themselves without employment when those wars at last came to an end. Without inhibitions themselves, they returned to a land afflicted with the inevitable moral disintegration which follows in the wake of war. England, in a mild way, underwent an experience with these roving bands of unemployed butchers comparable to that of Italy with the *condottieri*.

Then came the dynastic struggle between York and Lancaster — the War of the Roses. Nothing was at

stake in this war, save the decision as to which band of highbinders should run the rackets of England. The contest was carried on with the murderous venom of two gangs of "beer-hustlers" fighting for the same territory. Few prisoners were taken on either side, and none was held to ransom. Every battle was followed by a butchery of the captured. In the end they had about killed each other off. Nearly all of the noble houses founded by the Norman bandits who came with the bastard William into England were without direct male heirs when this bloody gang-warfare was over. At last Henry Tudor's men killed Richard the Crook-back on Bosworth Field, and "there was only a naked people under a naked crown."

There had been no such thing as neutrality in this evil business. Every man was forced to take sides when the tide of war swung through his county. And, to save his skin, he had to know when to change sides. Lands were ravaged, and castles and manor-halls destroyed. Some of the small-fry gentlemen, and many of the yeomen, took to the woods as hunters and robbers; and many others were driven into the larger towns to live by their wits.

The great land holdings of the monastic orders were, to a great extent, protected by the religious superstitions of both sides. These were well-farmed and prosperous communities, which gave employment and comfort and security to thousands upon thousands of men. Because these huge estates were well managed, and were comparatively immune from organized rapine, they not only supported large communities in comfort, but they also produced more than was needful for consumption or trade. So they customarily fed the neigh-



boring poor; and no wayfarer, no matter how humble, was turned unfed and unslept from the door of a convent. They were "the inns of God, where no man paid that were the walls of the weak" — the comfort and the refuge of the saps.

Their prosperity and their charity combined to work their ruin. First, they excited the appetites of the new and hungry lords, who had gathered about the Tudors, and who looked with longing eyes at these fat and prosperous lands. Then their charity and hospitality constantly interfered with the racketeering plans of the neighboring noble crooks. A man with a full belly will resist oppression much more sturdily than a man who is starving. And, because he is not constantly thinking about getting something to eat, he has time for other thoughts. This is dangerous. Serious upheavals are the work of the thoughts of well-fed men. Contrary to the shibboleth, hunger sometimes leads to bread riots, but only ideas make revolutions.

How much the prospect of this rich spoil to be distributed among his friends and supporters was an influence in moving Henry VIII. to the final break with the Church of Rome cannot be estimated. At any rate, the lands were seized; and the monks and their thousands of farm-workers and other servants were turned out. At this time the immensely profitable woolen goods industry was on the rise, so the new lords went in for sheep-raising. Where there had been wide and well-cultivated fields, which were the support of thousands, there now roamed great flocks of sheep in charge of a few underpaid shepherds. And it was a hanging offense to steal one of those sheep.

Having turned the sap out into the road, the new

lords now made it a high crime for him to be there. Laws of incredible savagery against vagrancy were put into force. Imprisonment and starvation, forced labor, inhuman floggings and brandings, and at times even the death penalty, were common punishments. It was much safer to be a swindler or a perjurer than to be a vagrant. Racketeers, of course, took advantage of these laws to extort money from travelers, until it was unsafe for even a fairly well-to-do subject to wander off on business beyond his own parish. This interference with commerce finally led to a relaxation of the laws, but for many generations they continued to be a prolific source of graft and racketeering.

Thousands of these homeless and hungry men drifted into the bigger towns and cities, especially into London. Here they could hide, and live in some fashion or other, usually dishonest. So the underworld of London grew tremendously under Henry and Elizabeth. It was a vast fungus-bed underlying the whole life of the city and suburbs, when Jonathan Wild came to seek his fortune.

Few events in social, or other, history are unheralded phenomena. They are usually the logical developments of progressive growth. As the modern armor-plated battleship is the direct descendant of that wooden warship which first hung iron chain-cables over her sides before going into action, so Jonathan Wild traces back, through a corrupt London police chief, who had the larger idea but lacked the ability, to the "upright men" of the Tudor days, who had both the idea and the ability in a small way. These upright men were hijackers who preyed on thieves and other crooks. They needed to be physically powerful, and they went armed with huge staffs. Their "doxies" (prostitutes who worked for

them) brought information as to the whereabouts of any crook, or small band of crooks, who had recently made a haul. Then the upright man set upon them and, with physical force and threats of exposure, forced them to give up all, or a large part of their takings.

The prostitution earnings of the doxies, however, formed the dependable source of steady income for the upright men. It was also the duty of each doxy to have at least one "apprentice" girl under her eye. These were generally the maltreated and underfed children of the lower servant class, and they were called "kitchen morts." As soon as they were sexually desirable — never much beyond fourteen years of age — they were taken to the upright man. When they had been taught methods of solicitation and the professional tricks of sexual intercourse, they were full-fledged doxies and were put to work as such.

It was on this foundation of thieves and prostitutes that Jonathan Wild built his kingdom and his fortune.

Especially in the accounts of his early career, it is difficult to sift the facts from the legends which grew up about this extraordinary man. By the time he came to be hanged, he filled the eye and the imagination of the community to such an extent that there was a perfect shower of pamphlets, each purporting to be the one true and complete account of his life and crimes. Many of these obviously had no more relation to the facts than did the "dime novels" about the James Boys which followed the break-up of that famous gang.

For example, one modern version credits him with ability to work the difficult "hip-dislocation" trick, which the late Lon Chaney simulated with such gruesome skill in the motion picture, *The Miracle Man*.

It seems to be established that in his early manhood Wild was a journeyman buckle-maker in Wolverhampton, where he married, and shortly afterward he set out for London; presumably on some sort of business trip. According to this story, he worked the dislocation trick on a woman doctor, whom he met on the road, and was taken into her carriage. She became so interested in him that he confided in her, and the two worked together all the way to London. After the doctors in a town had declared they could do nothing for Wild, the woman doctor turned up, rubbed his hip with ointment, and he was miraculously cured. After the pair had milked all the cripples in one town, they went on to another.

This story may be true but the presumption is all against it, for it is a fact that Wild had been in London but a short time when he was thrown into jail for debt. It is hardly likely that with a fat racket like this to fall back upon, and proportionately more crooked doctors by far than there are today, Wild would have been forced to go to prison for debt.

He served four years in prison — the regular university period of study — and he emerged with an excellent education in criminality. In these years he had come into contact with all sorts of crooks and swindlers and had learned their ways. More important, he had become intimate with a young woman named Mary Milliner, a prostitute and pickpocket. She had a wide acquaintance in the underworld, professional and casual. Wild and his lady came out of prison at about the same time, and opened a brothel in Lewkenor Lane to play for the Puritan trade. For some unexplained reason, they felt it necessary to be married, although this in-

volved bigamy on Wild's part. It may have been a graceful acknowledgment of the respectability of their Puritan patrons.

Although the brothel prospered, Wild and his lady did not long remain in Lewkenor Lane. They were careful of their money, and they soon accumulated a sum large enough to enable them to open a public house near Cripplegate Church. Mary's wide acquaintance with crooks, in her two professional capacities, drew a large and open-handed patronage from that stratum of society; and here Wild first met the corrupt City Marshal of London, Charles Hitchen. Of this man, Thomas Seccombe, in *Lives of Twelve Bad Men*, says:

"It were hardly rash to assert of Hitchen that, taken all in all, no more infamous scoundrel ever walked the earth."

This is perhaps true, but history furnishes a sizable mob of compeers to keep Hitchen company in his walking-tour of the world. He was simply a police officer with a wide knowledge of the personnel and habits of the contemporary underworld, a knowledge which he used for blackmailing instead of police purposes. Not a unique specimen by any means.

When he sought the aid of Wild, Hitchen was temporarily under a cloud. Some of his rougher work had come to the surface and he had been relieved of the duties of City Marshal, though still retaining the status of Constable. This gave him the more leisure to put into effect plans which he had apparently been long maturing. He had been trying to do too much himself, and this had brought him into trouble. He needed help in farming the rich fields of blackmail in the city of London. Vaguely he had the idea which Wild after-

ward brought to full perfection: the systematic organization and operation of the elements of the underworld under one head, backed by the police power to use the law as an instrument of punishment for the rebellious and treacherous.

Hitchen made Wild his assistant, and for a number of evenings they toured London in company, acquainting the world of crooks and prostitutes with the new order of things. Proprietors of inns were told to inform Wild at once of the whereabouts of stolen goods. Thieves of all kinds, from petty sneaks to highwaymen, were instructed to bring their spoils to Wild's attention. Prostitutes were warned not to dispose elsewhere of pocketbooks, watches, or other trifles which they had abstracted from customers. Prison, or the gallows, was to be the punishment for any failure to obey the letter of the new regulations.

This pair fairly terrorized London for a time, and Wild learned rapidly. His knowledge of the underworld was soon as great as that of his teacher, and he was naturally gifted with more brains and imagination. Together they extorted money from honest men who came to them for assistance, and they bullied thieves with threats of Newgate if they did not commit more crimes and produce more plunder. Nor were honest folk at all safe. One night they followed a clergyman until a prostitute passed him in a deserted street; then they set upon him and accused him of assaulting the girl. In spite of his horrified protest the minister would have gone to jail, if some sophisticated acquaintances had not chanced by and paid the necessary bribe. It was unwise for a respectable woman to go into the streets alone after dark. This pair were likely to arrest her and

take her to the nearest "pub," making her sit apart while they ate and drank hugely. Then if she paid for everything — and was otherwise good-natured — she was allowed to go home, after emptying her purse. Newspaper readers of the metropolitan area will observe that these activities were almost exactly paralleled by the members of the Vice Squad of the New York City police — many of whom, as this is written, are on their way to penal servitude.

While all of this was profitable and pleasant, Wild perceived it to be crude and dangerous. Much booty was getting away because of Hitchen's lack of organizing ability, and his methods were too direct for steady comfort. Inevitably, Wild's connection with the redoubtable Marshal made his house a haunt of the better class of robbers and swindlers. When one of these had made a haul, it was naturally discussed; and it was Wild's duty to send the successful operator to Hitchen for the disposal of the goods. But Wild saw much farther into the possibilities of this racket than did his chief. He double-crossed the gross boss of the underworld, and began handling stolen goods on his own account. He deliberately attracted the favorable attention of magistrates, by frequently appearing in court to denounce criminals who had failed to play straight with him, or had proved otherwise objectionable; and soon the pick of the stolen goods in the south of England was coming to Wild. Before Hitchen realized what was happening, he had been completely out-generalled by his assistant.

The two were mortal enemies from that moment; but so skillfully did Wild manipulate his machinery that he daily grew stronger with the magistrates, on the one hand, and with the most productive elements of



the underworld on the other. And Hitchen more and more sank back into the status of a petty grafter.

Wild sold stolen goods to respectable tradesmen, taking from the thief a percentage of the selling price as his commission. Of course, he alone knew what the selling price might be; and any expressed suspicion that he was not dealing fairly resulted in an invitation to meet the hangman.

The dealers, of course, bought at a price which enabled them to resell at a big profit; and this margin of waste constantly outraged the strong business sense of Wild. It occurred to him that in many, if not most cases, the original owner would be willing to pay much more than anyone else. This idea proved to be sound, and he adopted it as a business principle. He learned from the thief the identity of the person who had been robbed, and politely opened negotiations with the victim for the return of the goods. This was safe, open dealing, and highly remunerative. Wild gained a big reputation as a man who could locate stolen goods, and bring about their return for a suitable reward.

Wild was now at the head of a remarkable criminal organization. His agents were in every walk of life, and they were carefully trained for their parts. High-class pickpockets attended as guests the soirees of the great, and even the functions of the Court. No one could be more elegant in dress and deportment than Wild's spurious dandies, who were specially trained by a broken-down gentleman, employed at a regular salary. This chap became ambitious at last, and set up in business as a highwayman; but he was promptly caught and hanged. Thereafter Wild sent his candidates for the "spruce prig mob" to regular teachers of dancing and

manners. They also obtained positions as valets and upper-class servants, where they improved their knowledge of the smart world, until such time as there was a good opportunity to walk off with the jewels and plate. This might have been the origin of the "earn while you learn" idea.

Similar departments were organized in burglary, highway robbery, petty thieving, and so on. Wild selected his department chiefs with the unfailing insight of the born executive. He opened a branch office in Newtonhouse Lane under one Abraham Mendez. Another notorious character, Quilt Arnold, was put to "clocking" on the Great West Road. It was his duty to check up on the activities of the highwaymen. It is doubtful if it ever occurred to either of these men, or to any other of Wild's principal lieutenants to double-cross him in the smallest matter.

Anyone desirous of entering upon a life of crime could find employment with Wild. But he did not depend on volunteers. His schools were constantly turning out likely young criminals, who worked more cheaply than the better known craftsmen, and served him as faithfully as slaves.

For obvious reasons it was impossible to make the usual friendly offer of restitution for a reward in many of these robberies. The connection would have been too plain. So Wild procured the services of skilled workers, and created a new department for the disguising of stolen goods. These men reset jewels and otherwise altered costly ornaments, removed monograms from watches and similar valuables, melted down plate and recast it, and so on. Thus, any desired part of the loot could be disposed of with safety and without sacrifice:

His success inevitably led to the rise of a crop of small imitators. Wild disposed of many of these by "framing" them, but they continued to spring up. Their number and activity at last attracted the attention of Parliament. A bill was passed making the receiver of stolen goods an equal criminal with the thief, although the penalty was lighter — fourteen years' transportation.

This was a knockout. The imitators instantly went out of business, and the whole world of thieves was panic-stricken. Their livelihood was gone. What was the use of stealing, if you could not profitably dispose of the stolen goods? They would have to deal with soulless pawnbrokers, who would give them next to nothing.

It is in times like this that the man of courage and resource comes to the top. Wild evaded the law by establishing agencies for the receiving of stolen goods, in places where no one would expect to find them. He opened a newer and grander establishment in the purlieus of Old Bailey, and set about "recovering stolen goods for a reward." He had a fine office, complete with ledgers and all the other equipment of honest business.

His system was simple. He charged a fee of five shillings for looking into a case. A few days later the victim was told that the goods could be recovered by paying a small reward to an honest broker, who had suspected that they were stolen and had refused to sell them. The "small reward" was adjusted to the exact limit of what the victim would probably be willing to pay for the return of the goods. It will be observed that there was no real departure from the old method — merely a slight change in the machinery of operation.

But the new system could not be worked by the tyros who had formerly imitated the genius.

Wild never failed to produce the goods. He always kept faith with his customers. At the same time he was liberal with the thieves who worked for him, so long as they were faithful. If they were arrested he never failed to get them out of trouble, assuming that they were useful and loyal. But he was merciless to the double-crosser and to the indolent. The boys had to work and they had to play fair, or they soon swung at Tyburn.

All through this latter part of his career he was known as the Thief-Taker, and he had a quasi-official standing in the administration of the criminal law. This was one of his strongest disciplinary weapons, and at the same time a mantle of protection for the faithful. It served both ways. Independent thieves, who tried to operate in defiance of Wild's demands for tribute, did not always find their way at once to the gallows. Wild was too far-seeing for that. Through his vast organization he could always learn who were the criminals and what were the crimes committed without his sanction or profit. Then when one of his own valuable men got into trouble, Wild supplied him with the information which enabled him to save his skin by turning King's evidence against one or more of the independents. If anything further was needed, Wild supplied the perjured testimony.

On the other hand, when any of his own men were not sufficiently productive or were known to be withholding part of their gains, they were "turned in," with a complete tale of evidence against them and they ended their careers at Tyburn. He was thus extremely valuable to prosecuting officers who were then, as now, always

concerned about "making a record." They are generally not overnice about the means employed to make the record. Long before he was convicted, Wild was generally suspected and was even sometimes arrested, but was never brought to trial.

On one occasion, when there had been a robbery with murder in which none of Wild's boys was implicated, he supplied the evidence for the arrest and conviction of about thirty criminals, thus wiping out a whole gang of crooks who had thought to operate without his sanction. Of course this performance raised him high in the esteem of the law officers.

Again, a bankrupt cheesemonger with ambitions to become a highwayman was recommended to Wild by an inn-keeper, who was one of his best criminal procurers. The embarrassed cheesemonger proved to have chosen the right profession at last. His luck was little short of phenomenal, and he was well in the way of becoming one of the most celebrated of his profession, when his luck turned his head. He saw no reason why he should share his rich loot with Wild.

It was not long before reports of Wild's "clocker" on the Oxford Road showed that the bumptious cheesemonger was not making an accounting of his gains. Wild mounted his horse and rode out to find him. They met not far from Oxford; and before the cheesemonger had time to open his mouth to offer an explanation, Wild shot him dead. He then rode on into Oxford and reported the affair. He was cordially thanked by the authorities.

Wild also trained his unimaginative mobsters in the value of unmarketable things. It was one of his richest sources of income. His thieves were taught to steal the

account-books of business houses, clearance papers of ships, trinkets of sentimental value, or the illicit love-letters of ladies. These had no open market value, but were priceless to the owners; and the return of them brought rich rewards.

It was perhaps Wild's first serious mistake that he decided to live up to that position in society to which he was by income entitled. He moved from Old Bailey into an even finer establishment, and wore lace ruffles and a sword. He "married" from time to time, the first Mrs. Wild still living in Wolverhampton. Some of his wives died and some were kicked out. It made no difference to Wild and apparently none of these women ever dreamed of betraying him. He evidently had a way with women, although the only contemporary likeness of him, a woodcut, shows him to have been anything but a beauty. Amusingly enough, there is a considerable resemblance to the bitterly incorruptible Robespierre, without Robespierre's singular malformation of the brows.

The current Mrs. Wild may have had something to do with this departure into display. She began appearing in the streets in velvet and jewels, attended by a handsomely liveried footman.

This was the sort of attention which Wild should not have attracted. He was already becoming too prominent a figure in the City. What was not definitely known about him was shrewdly suspected, and he should not deliberately have called attention to his prosperity. His old master, City Marshal Hitchen, wrote a pamphlet, accusing Wild of all those crimes which he had undoubtedly committed. Wild replied with a pamphlet

attacking Hitchen, but the authorities took no formal notice of either.

Then Parliament grew restive again. A law was passed making it a criminal offense to accept a reward for the return of stolen goods, unless the thief or the receiver was arrested at the same time. This was serious. Wild evaded the new statute by setting up as an "advisor" of those who had been robbed. He advised them to leave a certain sum of money at a certain place, and they would find that the goods would be returned. This prophecy was invariably fulfilled, but it was a clumsy method. The victims of robbery did not come for "advice," as freely as they had come for aid under the two previous plans; and there was a growing chilliness toward the Thief-Taker in official circles. There was beginning to be a strong feeling that Wild was costing more than he was worth.

As a result, stolen goods began to accumulate on his hands. He always paid cash to thieves on the delivery of the goods, and he soon began to find himself loaded up with "frozen assets." It was necessary to find an outlet. He bought a fairly good-sized sloop and placed in command of her "that peerless blackguard, Roger Johnson." Johnson took cargoes of the stolen stuff to continental ports, and brought back laces, liquors, and similar highly dutiable goods, which he smuggled in. According to one version, Wild established his foreign warehouse in Rotterdam, and another authority says that it was in Ostend. It is probable that Johnson disposed of the stolen goods in Rotterdam, which would be a much larger and likelier market, and took on the contraband at Ostend for the return trip.



This arrangement worked profitably for several years. But luck was deserting Wild. Johnson and his chief mate had a drunken quarrel, and the mate turned informer. He appears to have informed, however, only as to the smuggling end of the voyages; for Johnson was let off with a fine of about \$3,500, which Wild had to pay. He found that he was being arrested with greater frequency; and, although he was always discharged, his power was visibly shaken, and there was mounting insubordination in the ranks. A highwayman, nicknamed Bluenose, made a determined but not quite successful attempt to cut his throat when Wild visited him in Newgate. One highly dramatic story has it that Bluenose denounced and stabbed Wild in court, and escaped in the confusion — to furnish a few hours later the evidence on which the great Thief-Taker was hanged. But this tale bears all the signs of the "dime novel" school of history.

Then Johnson turned up again, in a quarrel with an inn-keeper named Edwards over the division of some stolen goods. They denounced each other to the authorities. Wild, of course, had to come into the affair, and Edwards believed that he was supporting Johnson. So Edwards gave the police information which led to the searching of Wild's house, and the unearthing of quantities of stolen goods. Wild swore that this stuff belonged to Edwards and had him arrested. There was so much informing, and counter-informing, and three-cornered perjury, that it is difficult to keep the details straight. But it seems to be an agreed fact that when Edwards was released on bail, he caused the arrest of Johnson, and that Wild arranged a fake riot outside the inn where Johnson and the arresting officers were re-

freshing themselves, and Johnson escaped. But Wild was arrested.

A few honest policemen and law officers now set about building a real case against him. He was quite unconcerned when his trial came on, and was confident of acquittal. There were about ten counts in the indictment, on some of which he was acquitted. And it is almost pathetic to relate that this great lord of Thief-land was convicted and hanged over a fifty-dollar fee for the return of a box of stolen lace!

Such was the ignominious end of a most remarkable man. There have been, and probably will be, much greater criminal systems than that which Wild built up and controlled. But these have been for the most part group activities, and their semblance of ordered control may be laid to the group perception of the necessity for cooperation, and to a certain minimum of trust.

It is certain that no individual other than Wild ever devised a criminal organization, at once so minutely tentacular and yet so perfectly functioning, or ruled it with equal ability and force.

## Interlude — From a Civil War to a World War

MUCH of the full story of racketeering through the Ages has been necessarily omitted from this study, because the writer is sternly limited to a one-volume work. A detailed history of the skulduggery of the past would fill the "row of encyclopediacs" envisioned by the young lady in *Gentlemen Prefer Blondes*. There has been no mention of the declining centuries of the Roman Empire, when foreign mercenaries put up and pulled down puppet emperors as if they had been operating a Punch-and-Judy show; nor of the Nile civilization, and the great Negro empires of Africa; nor of the early history of the New World, a bloody record of piracy and graft by land and sea; nor of that vast region stretching from the Vistula to the China Sea, where trade monopolies, illegal tolls, hijackers, corrupt judges and police, informers, graft and extortions of all kinds have been but the commonplaces of life since the dawn of history.

But for this very reason — the universality of corruption — it is believed that little that is essential has been left to the imagination of the reader. The writer has endeavored to picture racketeering and individual racketeers in those countries and periods from which we more directly draw our social and legal traditions. And at least one of these pictures, with a few changes of local color and nomenclature, can be accurately superimposed on any civilization at any time.

Similarly, since there must be some detail in even a brief review of current conditions, the racketeering of those generations between the flight of James II. in 1688 and the close of the World War in 1918 may be wisely subjected to a process of compression. Not because there was so little racketeering in that period, but because, in so much racketeering, there was so little that was new. King James showed at the Battle of the Boyne that he could run faster than even a Stuart had ever run before, leaving the heroic Sarsfield and his men to sign the Treaty of Limerick with the faithless English. Pious Protestants now racketeered and looted in Catholic Ireland until they had made the land a desert, to the great bitterness of the pious Catholics, who had already begun the same games at the expense of the Protestants.

Jonathan Wild was hanged in 1725, and in the same year Robert Clive was born. He went out to India as an underpaid clerk of a racketeering outfit known as the Honorable East India Company, and returned in a few years a multi-millionaire, marvelling at his own moderation. He excelled in forgery and treachery. His successors systematically pillaged one of the richest kingdoms of the earth. Nine of these Englishmen, imitating the Praetorian Guards of Imperial Rome, strengthened themselves to bear the White Man's Burden by putting up the throne of a Nabob at auction, where it brought \$700,000, which they divided among the nine of them. This process of civilization has been going forward ever since, retaining all the worst features of the old régime — such as the salt monopoly — and adding all the more refined modern rackets. Kipling's stories of India reek with graft and corruption. The fine old handicrafts of the guilds have been wiped out to make markets for

cheap English goods. This manufacturing, however, furnishes employment for thousands of children, of from six to ten years of age, who work twelve or fourteen hours for four cents a day. A skilled adult craftsman, such as a carpenter, can sometimes make as much as fifty cents a day; but both parents and children have to pay racket-money to employment agencies which retain the right to throw them out of their jobs. In that case, they can easily borrow money at twenty percent a month. Unfortunately, one out of every four babies of these folk dies in infancy, and never grows up to laugh at the White Man, groaning under his Burden.

In June, 1737, the *London Magazine* was editorially upset over corruption in the courts of justice, just as if there had been anything new about it. The editor thought that they handled these things better in France, knowing nothing much about France. He wrote:

“One of their little under officers of Justice at Paris, who had the Care of taking up and punishing Beggars, has lately been convicted of taking Money from such poor Creatures, for letting them escape punishment, by which, 'tis said, he made near 300£ Sterling a Year; for which Crime he has been condemned to stand three Market Days in the Pillory, to be whipt each day, to be marked the last Day with a hot Iron, and to be from thence conducted to the Galleys, where he is to tug at an oar for three years. If the Raiser of such Contributions were in all countries as severely punished, we should neither have such a Multitude of Magistrates, nor such a Multitude of Criminals.”

Two hundred years ago, this English editor had observed that too many laws and too much law-enforcing

machinery make excellent incubators of criminals. Two hundred years from now, we may begin to see some glimmerings of the same truth.

Piracy had long since become a fairly well-organized industry in the New World. Jamaica proved to be such an excellent and popular base of operations that the cut-throat Morgan was knighted by the English king, and made governor, so that there would be no interfering with the business. Piracy finally yielded to rum-smuggling and the slave trade, the slave trade to the smuggling of Chinamen and other contraband into the United States, and these to the rum-running of today.

George II., ruby-faced and round-bellied, "with a German tongue in his pig-tailed head," proved his right to wear a sword when, encumbered with huge riding boots, he led his beaten army out of the bend of the river and up to the muzzles of the French muskets, to win the field of Dettingen. This battle decided nothing, save that there was one king left who was willing to fight for his rackets. He was the last of the crowned aristocrats.

His successor, George III., became involved in a long dispute with some of his subjects who had settled along the Atlantic seaboard of what is now the United States. The Pilgrim Fathers had landed on a stern and rockbound coast, where they would have starved to death in the first year, had it not been for the treacherous Indian Savages, who, with malice inconceivable, helped them to shelter, and fed them through a long winter. This dastardly conduct met with a just reward, as soon as our forefathers had eaten enough of the redmen's food to become strong and powerful. They set upon and

slaughtered these organizers of the first American bread-line, and then taught their children that Indians are treacherous.

Both the bread-line and the legend of Indian treachery have been carefully preserved — in spite of our great prosperity, and greater faithlessness in all our dealings with the Indians. From tide-water to tide-water, the way of the white racketeers across the continent is marked with scraps of paper which were solemn treaties that were torn up by the whites. The Indians often told us that if we did not like it here, we could go back where we came from.

They were a lawless lot, these colonists; and if any people can say that they came honestly by their passion for racketeering, it is the American people. They were willing to have the King's troops fight for them, and the King's ships as well, but they did not propose to have the King interfere with them in any other way. A man caught smuggling, or violating any of the other maritime laws, was even more certain of an acquittal by a jury than is a bootlegger today. They would not endure direct taxation, and they constantly defeated indirect. The Founding Fathers wanted a free hand to trade tobacco and cotton for rum and slaves, and they intended to have it if they had to fight for it. They did have to fight, and they won. Hence, the United States.

In the meantime, racketeers had been as busy as always elsewhere in the Western world. In France, John Law had worked his great stock-company swindle, the Mississippi Bubble; but as this stock-market racket has chiefly to do with self-made saps, it has no proper place in this study. The tireless industry with which this type of moron takes the profits of business and the



savings of salary, and pours them into the bottomless gullet of the stock-market swindle, can be explained only by the psychology of Alfred Henry Lewis' character in *Wolfville*, who was trying to win from a blatantly crooked faro-bank. A friend approached and asked if he were crazy or blind. The speculator eyed him with lofty pity. "Of course I see it's crooked," he said, in effect, "but when I tell you that this is the only faro-game there is for twenty miles around, you see how I'm fixed."

A device known as the *lettre-de-cachet* gained great favor among French racketeers. Any one with influence could have any one with less influence secretly arrested and quietly immured for life, without leaving a trace of judicial procedure to show where the victim had gone. A man who was "in right" borrowed money without a thought of repayment. If his creditors became too insistent, they vanished. Many of these loans were, of course, only lightly disguised blackmail. The lender was afraid to refuse. Personal grudges were satisfied by the same means. When not available through influence, this machinery could always be invoked through bribery of one kind or another. Marriage had become a "sacrament of adultery," and inconvenient or old-fashioned husbands disappeared with great frequency. A single Minister of the King issued more than fifty thousand of these orders of secret arrest.

A scrofulous boy at the French West Point studied, with concentrated bitterness, the inspired military writings of obscure soldiers of the dynastic wars of the eighteenth century, such as an *Essay on General Tactics* and a *Treatise on Mountain Warfare*, because he was too poor to go out and play with his affluent and snooty

schoolmates. Later on he was to apply those principles of warfare with the energy and intuition of the born soldier; and he is still considered a sort of miracle. Then he dealt out crowns and contracts to his family and friends, until his tinsel empire collapsed.

Feudal nobles, who had long since ceased to function as feudatories, clung to every form of feudal racketeering. The King raised the armies and administered the realm from a central agency; but the nobles insisted that every iniquitous extortion, for which these duties had in ancient times provided an excuse, was a sacred privilege. Feudalism at its best was a travesty of intelligent government. It now became a travesty of a travesty. A few nobles, like Mirabeau, saw the whole thing as an anachronistic absurdity, but their voices were raised in vain.

Another voice was presently heard. In 1786, the great Mozart listened while a hopeful lad named Beethoven played for him. "This boy will make a noise in the world," he said. The boy did. The mighty noise of the Fifth Symphony has given immortality to the shattering emotions of those never-to-be-forgotten years. The people! The saps themselves at last had risen! They were sweeping Europe in one great surge of Freedom! The roar of the seething faubourgs, the rumbling of the tumbrils, the Joshuan trumpet-blast of Revolution and the crash of falling thrones — all these are there forever. He all but smashed a classic art-form of music as ruthlessly as the people smashed a classic form of government — "a revolution contained in the four walls of a symphony."

There came a quick succession of breathless and amazing figures. Mirabeau, corrupt in fact and incorruptible

in act; Danton, the Jovian profligate and fearless democrat; the ascetic Robespierre, ignorant that, in a world of imperfect human beings, a man may follow that virtue which comes only of the intellect until it becomes a hideous vice. Then the Ninth of Thermidor; and Tallien and Barrere and the other fat racketeers paraded their three-quarters naked whores in ball-rooms and theatres as the new aristocracy — until the faubourgs were seething again. Then the scrofulous boy married the cast-off mistress of one of these grafters and made her Empress of the French; and he died on a rock in the South Atlantic Ocean.

When Washington had been President for nearly eight years, he delivered a political speech, with the idea of helping Hamilton and his gang of Federalist rogues defeat Jefferson and the Republicans. This campaign document has within recent years entirely changed its character and is now reverently spoken of as *Washington's Farewell Address*. It should be called *Hamilton's Farewell Address*, inasmuch as Hamilton wrote it. But this was not enough to beat Jefferson, so the Federalists resorted to bribery; and they would have been glad to elect Burr, rather than Jefferson, if Burr had been dirty enough to play the game as Hamilton and his friends desired. (See Professor William O. Lynch's *Fifty Years of Party Warfare*.) Burr's refusal to stand for bribery and the rest of the Federalist tactics resulted in the election of Jefferson, whom Hamilton hated because of his democratic philosophy. A native of the West Indies, where flourished one of the worst slave-systems of history, Hamilton regarded all workers as beasts of burden. The saps were not only to be exploited, but to be instantly rapped over the head if they objected:

"The People, your People, Sir, is a Great Beast!" Burr having refused to help him and his gang to steal the Presidency, Hamilton began pestering and insulting him, until Burr called him out and shot him. On the whole, rather a commendable day's work. Our Mr. Secretary Mellon is no spiritual descendant of the Gracchi, but this writer is of the opinion that he has grounds for successful libel action against newspaper editorial writers who compare him with Hamilton.

In 1807, it became a capital offense to import slaves into these United States. Wherefore the pious New Englanders who bought and stole Negroes along the African coast raised the price of slaves to the Southern gentlemen, and the trade went on as usual. Thousands of slaves were brought in between 1807 and 1861, and Professor Dodd of Chicago University, who must be a bloodhound in research, has discovered that there was one hanging. We engaged in a war with the Algerian corsairs along the North African coast, which was not unlike the idea of a battle between the James Boys and the Dalton Gang. The logical Algerians argued that if we enslaved black Africans, there was no reason why they should not enslave white Americans.

The English, to their credit, used their navy in an effort to stop the American slave traffic, but their navy had, at times, to be employed elsewhere. For instance, it was used to force the Chinese to go on smoking opium. The Emperor of China issued a decree forbidding the importation of this horrible drug, which was sapping the vitality of his people. The embargo meant financial loss to a lot of Englishmen who were engaged in poppy-growing in India — to say nothing of the government rake-offs — so the British navy captured Hong Kong,

Shanghai, and other ports, and opium continued to come into China under the guns of the warships. Down to, and including 1931, the British Empire has been the principal stumbling-block in the way of adequate international control of this nefarious traffic. It is a comfort to be able to report that our own country has fought zealously to wipe out the illicit trade in opium and its derivatives. There is the fact, however, that we do not grow poppies in any of our possessions. And hundreds of thousands of dollars worth of drugs, for the use of addicts, are smuggled into the United States every year, another unfailing source of racketeering and corruption.

In 1832, the English decided to reapportion the seats in Parliament, as the cost of purchase varied too widely in different districts. For instance, in Old Sarum, one voter elected two members of Parliament. Naturally, these seats could be bought at a reasonable figure: but elsewhere the sums often ran into figures that compare favorably with our own campaign expenditures. One candidate spent nearly eighty thousand dollars and was beaten, although more than sixty thousand dollars went for free drinks. The candidates contesting a seat in Yorkshire laid out in expenses and bribery about a million and a half dollars, which worked out to sixty-five dollars a vote. Lord Cochrane asked an honest subject how he intended to vote, and received an honest reply: "I always vote for Mr. Most." The principal function of the royal treasury was to provide comfortable pensions for the friends and relatives of successful politicians — "his sisters and his cousins, whom he reckons by the dozens, and his aunts."

At about the same time, President Jackson, who was

too frank to be the ideal politician, announced — what every one knew — that the only purpose in battling to success at the polls was to confer on friends and party workers all the fat jobs and favors in the gift of the government. The Federalists had always worked on that principle, but they did not think that the saps should be told about it with such unrestrained candor. Since, under the Federal Constitution, real party government is quite impossible in the United States, this principle, as enunciated by Jackson, has been generally the only excuse for the existence of political parties. The Republican party had some honest reason for existence for about ten years, but not after 1865.

The white men had pushed out through the passes of the Eastern hills into the great continental basin, and the clean prairies of the Middle West were soiled with the social customs of New England. Boys who are now men saw in the streets of their towns the village whore of the Puritan land, and learned to chant her portrait-in-song — a fine old New England anthem, only one verse of which is approximately printable:

*There goes old Sal Skinner!*  
*How in the hell do you know?*  
*You can tell by the ruffles*  
*On the bottom of her drawers*  
*And her shoe-strings, draggin' in the snow!*  
*(G — d — her!)*  
*And her shoe-strings draggin' in the snow!*

Also, they learned about women from her — the many who were not so fortunate as to come under the influence of older and wiser Pagan gentlemen, who assured them that in the matter of sexual intercourse with-

out temperamental attraction Lemuel's mother had understated things. Those who were so blessed as to hear and believe were saved from physical disgust and venereal disease, and came into young manhood still capable of seeking the romance of sex. But it was by grace of Pagan fastidiousness and not Puritan morality.

After about seventy-five years of variegated lawlessness, in which period some one occasionally remembered, with a start, that we had a Federal Constitution — although no one paid any attention to it, or knew what might be its meaning, if any — we finally got ourselves into a fearful Civil War, in the course of which chattel-slavery was abolished as a measure of military expediency. And Abraham Lincoln, who was a great politician because he was a great democrat, became our national saint.

This upheaval was, of course, followed by an American Thermidor, a perfect orgy of debauchery and graft. Claude G. Bowers, in *The Tragic Era*, presents a lively picture of this period, although he seems to feel that the political skulduggery of the time was due to the innate depravity of the harpies of the North, whereas it was simply a means to the end of racketeering. The railroads bribed Congressmen and Senators, and every one else they needed, to secure subsidies from the Federal government and immunity in trampling on the rights of the saps. The oil companies followed suit. A sort of financial holding company, called the Credit Mobilier, which was organized by a railroad banker, Jay Cook, at last became so crass in its bribery that there was a public exposure. Much of the dirt was quickly shoveled out of sight, but enough remained visible to cause a public reaction; and it was necessary to steal the



election from the Democrats in 1880, in order to prevent an airing of official sinning which might have caused a new Civil War. In the meantime, the brother-in-law of President Grant had been used by the famous bandit, Jay Gould, and his partner, in a plot to corner the gold supply of the nation. This resulted in the memorable Black Friday panic in Wall Street.

It is almost incredible, but it is undoubtedly a fact, that President Grant had but little notion of what was going on in his administration. He was simply a good soldier in a bad spot. Like President Harding, whose administration became the stage of a similar saturnalia, he trusted his friends. Neither Grant nor Harding had any qualifications for being President of the United States, especially in the time in which they were chosen — excepting that both could easily be used by rogues. That is why they were nominated.

John D. Rockefeller and his associates began getting control of the oil business. They made contracts with railroads which gave them, in one instance, a rebate of one dollar and six cents per barrel on each barrel of oil they shipped, and a "drawback" of a like amount on each barrel shipped by their competitors. As the price of oil in New York was two dollars and fifty-six cents per barrel, a little arithmetic shows that the Rockefeller gang were getting their oil to the market at an over-all cost of less than the normal profit per barrel — which made competition difficult. As the possibilities of the business grew, they invited others in with them, and those who did not come in passed, for the most part, out of the business. The master-minds were indicted for conspiracy, and that sort of thing, but of course nothing came of it.

Ida Tarbell wrote a scrupulously documented history of the doings of the Rockefeller oil companies, and William Randolph Hearst wrote an entertaining supplement when he published the sweet-scented Archbold letters, which showed, among other things, that a Republican Senator from Ohio and a Democratic Senator from Texas were on the pay-roll of the Standard Oil Company. Congressman "Joe" Sibley, of Pennsylvania — "The Servant in the House" — said that a big concern like the Standard Oil Company was entitled to representation in Congress.

In 1890, there having been much public uneasiness over the growth of these conscienceless combinations, the Sherman Anti-Trust Law was written on the statute books. This measure was designed to preserve the remnants of the idea of democratic opportunity, by preventing powerful commercial combinations from crushing out the poor saps. It has been used with great effectiveness on two occasions: first, to break the Chicago railroad strike in 1892, and send Eugene V. Debs to jail; and, second, to crush another union of working men in the Danbury Hatters case. These are the only two "combinations in restraint of trade" which have been effectually attacked by the Federal authorities. Only saps work. \*

Another great "captain" — the late J. P. Morgan — grew up in this period. He early displayed great talents for not being a sap. He bought up a lot of rifles, discarded by the War Department just before the Civil War, and sold them back at about five or six hundred percent profit. They were undoubtedly good rifles, but he could hardly have had any way of knowing, as he never carried one. While the saps were going into blue

uniforms, he went into his uncle's bank, a much more sensible notion. During the period in which Morgan's banking-house acted as fiscal agents for the New York, New Haven and Hartford Railroad, the stock of this great system — which was looked upon as being safer than gold bonds by the old folks of New England — went from a real value of about two hundred and fifty dollars a share to a nominal value of about thirty dollars. Hundreds of millions of dollars in assets disappeared in perfectly legal ways. In one transaction, the purchase of the New York and Westchester Railroad for thirty-five million dollars, "twelve million dollars vanished in thin air," in the language of an Interstate Commerce Commissioner.

The testimony of the then president of the New Haven before the Interstate Commerce Commission is one of the most joyous documents in American literature. The president of the railroad did not rate any higher than an office boy, and he made no pretenses. Whenever any of the directors objected to what was going on, he told them to go and see Mr. Morgan. None of them cared to do this. They insisted that it was the duty of the president of the road to beard the old lion. His account of their low-voiced arguments outside the door of an office which housed the surly old financier reads like the fable of the belling of the cat. When the president of the railroad informed the directors of the railroad that they, the directors, were going to buy the Westchester — Mr. Morgan had just told him — and that they were going to pay thirty-five million dollars for it, one member of the board exclaimed, quite simply:

"Jumping Jehoshaphat!"

Which would seem to cover the whole transaction

much more exactly than many thousands of words of amplification. Morgan named his yacht the *Corsair*.

Tammany was investigated every now and then, and gangsters in New York and elsewhere shifted from fist and brick to pistol and blackjack. Lincoln Steffens wrote *The Shame of the Cities*, in which he showed that all municipal governments in the United States — Democratic, Republican, and bi-partisan — were uniformly corrupt. But as every one knew it, and no one felt any special shame excepting Mr. Steffens, nothing of consequence occurred. Tammany was investigated some more. Dr. Parkhurst and his friends did not like to see houses with red lights in front of them, and Blowsabellas hanging out the windows, so they removed the red lights and closed the windows. An earnest public servant, "Joe" Folk, broke a corrupt political machine in St. Louis, and followed up his success by destroying a more corrupt one in the state capital of Missouri. Then he lapsed into political obscurity; and, at last reports, both these machines were running with model smoothness.

The United States Government paid fifty million dollars for the French rights in the Panama canal zone, which would have been dear at half the price. The *New York World* and the *Indianapolis News* wanted to know who got the money. As a brother-in-law of President Roosevelt was prominent in the transaction, Roosevelt replied by trying to have the owners of these newspapers imprisoned under some sort of old common law provision about sedition, dating back to Charles II. President Roosevelt decided that it would be cheaper to take Panama from Columbia than to buy it. So he took it. In Wilson's Administration, we did the best we

could to make amends for this banditry by paying Columbia twenty-five million dollars.

This bit of international thuggery, following our earlier cynical rape of Mexico, and our imperialistic antics after the Spanish War, is one of the reasons why we find it so hard to civilize the Latin Americans, and restore law and order in those countries. Another reason is that the big cities of the United States are the only ones in the western hemisphere where it is unsafe to move valuables through the streets, excepting in armored cars equipped with machine-guns. Still another reason is that those peoples to the south have a culture, which we have not — culture being a sense of form and proportion in life. In other words, they *are* civilized, and we have not even begun to be. The governments of some of these states, however, sometimes become almost as corrupt as the governments of Pennsylvania, Indiana, Illinois, Tennessee, and Louisiana.

After we have noticed the more recent developments of racketeering in Italy, we can take up in the succeeding chapters a few of the reasons why Mexico should send an army across the Rio Grande to police the United States, until such time as we show ourselves able to maintain law and order, and to be fit for self-government.

## “What We Need Is a Mussolini!”

IN July, 1910, the city of Buenos Aires, and the whole of the civilized world, were shocked by an anarchistic outrage of a peculiarly wanton cruelty. An anarchist threw a bomb at the Colon Theatre on a gala night, killing and injuring a number of people whose only offense was that they were living under a social order of which the anarchist disapproved.

Contemporaneously, a man named Benito Mussolini — technically a Socialist, temperamentally a Terrorist, and always a Mussolinist — was editing a newspaper in Milan, *Lotta di Classe* — *The Class Struggle*. Without convictions or character, he was for sale to the highest bidder; and, there being no higher bidders at the time, he saw possibilities in posing as a violent revolutionary. A radical with a following always has something to sell — if he is that kind of radical.

On July 9, 1910, Editor Mussolini found this to say concerning the Buenos Aires tragedy:

“I admit without discussion that in normal times, bombs do not belong to Socialist methods. But, when a Government — be it Republican, Imperial or Bourbon — gags you and puts you beyond the pale of humanity, then one cannot condemn violence in reply to violence, even if it makes some innocent victims.”

A little more than twenty years later, May 28, 1931, when this racketeer and his gang were in complete

control of the Italian government, and running it for what there was in it for them, under the worst censorship of modern times, they ordered an attack on all the Catholic clubs and organizations still existing in the country, and tried to kidnap the editor of the *Osservatore Romano*, the organ of the Vatican, therefore the one newspaper in Italy which was not a publicity engine for systematized racketeering.

On May 30, 1931, the Pope spoke to a group of scholars in the Vatican, saying:

"We tell you as your father and as the Bishop of Rome that you have come to see us at the dusk of a day which has seen brutal violence visited upon that which is dear to us. . . . But nothing can prevent the Bishop of Rome from raising his voice. One may demand your life but not your silence."

It is perhaps unfortunate that the conscience of the Pope forbids him to resort to the plan of action so heartily endorsed by Mussolini in the bombing of the Buenos Aires theatre, as the correct method when any one "gags you." Pius XI., a serious gentleman of much quiet determination, would probably make a brilliant success of any bomb-throwing which he might be impelled to undertake.

Mussolini grew lyrical in type over the assassins of the Empress Elizabeth of Austria and King Humbert of Italy. "They are heroes," he proclaimed. "In judging these men and their acts, we must not place ourselves on the mental plane of the bourgeois and the police. It is not we Socialists who must cast a stone. Let us acknowledge instead that individual acts have also their value and sometimes are the first signals of profound social transformations."



In September, 1911, the notorious Stolypin, a minister of the Czar, was removed by a Russian revolutionary. In this case Mussolini's satisfaction was shared by a number of middle-class people who did not, as a rule, approve of murder. His description of that monster as “oblique, sinister and blood-stained” was not an overstatement. “The Russian proletariat,” he went on, “is now exultant, and waits for dynamite to shatter the bones of the Little Father, of the blood-stained hands. The tragic end of the minister of Nicholas II. is perhaps the beginning of a new period of revolutionary action. We hope so. In the meantime, all honor to the Avenger who has fulfilled the sacred rite.”

Many quite respectable persons sympathized with this view at the time, because all this occurred long before Nicholas the Blood-stained had become Nicholas the Beatified. In the following year (March 14, 1912) an anarchist named Alba took a shot at King Victor Emmanuel II., and Mussolini was extremely vexed because the man had missed. He foamed with rage when the Socialist deputy, Bissolati, led a group of his party colleagues to congratulate the King on his escape. Mussolini bitterly denounced them in the National Socialist Congress a few months later. He said that “it might have been hoped that nowadays no workers' organization would hang out flags on such an occasion.” Their sympathies should go to the unfortunate Alba because of his poor aim.

It is this same King Victor Emmanuel, by the way, who is now sometimes photographed with Mussolini on great public occasions. You can see him in the roto-gravure sections of the newspapers, an unhappy little figure in uniform and medals, standing in the shadow

of the huge boss-racketeer. He came within a pen-stroke of losing his job to his kinsman, the late Duke of Aosta, at the time Mussolini and his gang seized the government.

It must not be supposed that Mussolini ever actively engaged in anarchistic activities. It requires an exceptional order of physical courage, and a passionate belief in something or other, to throw a bomb. He was only valiant in ink. All that this bloodthirsty buffoonery meant was that Mussolini was for any kind of disturbance that might offer a possibility of the main chance for himself. His motto has always been, in his own words, "The more the confusion, the better the chance." He wanted money and luxury and power, and he knew that only saps work. He was in favor of anything, no matter how corrupt or violent, that might open a doorway to even a faint glimpse of this goal. A glimpse came in the fall of 1914.

Mussolini was editor of *Avanti*, a Socialist paper in Milan, when Europe decided to attempt suicide. On August 4, the Chamber of Deputies declared that Italy must remain neutral. All parties, save the Nationalists, adhered to the resolution, and the Nationalists then voted to make it unanimous. Mussolini was also militant for neutrality, but not for the same reasons. The editorial columns of *Avanti* babbled the phrases of the Communist Internationale. It was a bourgeois war. The workers must remain aloof, but watchful and resolute. It was the crisis of the capitalistic system; and, as soon as it had sufficiently weakened itself in battle, the workers must strike hard and seize the rule of the world. And so on through the rest of it.

This continued for more than two months. Then, late

in October, the readers of *Avanti* were stunned by the sudden editorial announcement that on the whole it would be a good thing if Italy entered the war at once, and fought for the hated bourgeois of France and England, and for "the Little Father, of the blood-stained hands." Mussolini was promptly out of his job on *Avanti*, but early in November he appeared as editor and publisher of a brand-new and flourishing newspaper, *Il Popolo d'Italia*. It costs money to found and operate a new daily newspaper, and this anarchistic editor-out-of-work did not have any money. The feat thus becomes inexplicable unless there is something in the charge made by a reputable Milanese weekly in March, 1919. This periodical accused Mussolini of having been bribed and subsidized by the French government, and offered to prove its charges in court if he dared to sue for libel. He abstained from suing. In March, 1925, Maitre Torres, an eminent French lawyer, stated in a printed interview:

"The first sum paid to Mussolini was 15,000 francs, after which monthly payments of 10,000 francs were agreed upon. The first sum was handed over by M. Dumas, secretary of the minister, M. Guesdes. Thus, the *Popolo d'Italia* was launched with an interventionist policy. This genuine account of the facts no one dares to deny, because of the fear of even more crushing documents."

No one dared.

Then the Socialist deputy, M. Renaudel, in the *Paris Quotidien* (November 9, 1926) pleasantly remarked that "many of us remember well that the first issues of the *Popolo d'Italia* were published thanks to French money."

Italy finally declared war on the side of the Entente on May 25, 1915. Until he had gone into the records, this writer had been led to believe that, whatever Mussolini might have been before the war, he then came out nobly for the cause of righteousness, rushed to arms, was terribly wounded in battle, and was thus purged by fire of his hellish doctrines, to become the savior of his country.

There is only one thing wrong with this picture. There is not a word of truth in it. Mussolini betrayed his party and his friends to shake down the French government, like any other racketeer. He went into the army when he had to go, or face a court-martial; that was when his class of conscripts was called to the colors, September 1, 1915. About the end of February, 1917, he got in the way of some comrades who were practising bombing tactics back of the front, and stopped a handful of fragments. The doctors had to pick a lot of steel out of him; but he was not dangerously wounded, and was again physically fit for active service in about three months.

This little accident of military training quite broke down the gates of British reserve in the editorial bosom of the London *Morning Post*. On October 4, 1926, that Tory organ sang:

"Signor Mussolini fell on the Italian front with as many wounds as Caesar, and when lying, swathed in bandages, had no doubt ample time to consider the true philosophy of peace."

So far as he personally was concerned, Mussolini certainly found a true philosophy of peace. He applied to the government for exemption from military duty, on the ground that it was necessary for him to be with

the boys on the fighting front of journalism in Milan. Probably the boys were not cutting up the subsidies properly.

At any rate, his army experience taught Mussolini that it is not at all refreshing to have some one throw a bomb at you. It is not too much to say that he has been bomb-shy ever since. He does not wait until a bomb is thrown to exact the death penalty, as did the contemptible kings he so despised. (These kings did not always inflict capital punishment, even when a king had been slain.) In May, 1931, a naturalized American of Italian birth was arrested in Italy, charged with having a couple of bombs merely in his possession, and he was facing a firing squad in about forty-eight hours.

After the war, Mussolini proclaimed himself a "Revolutionary," and cheered editorially any and every movement calculated to promote the unrest and disturbance attendant upon the return to peace. He was concerned always to see which way the tide was going and to ride upon the crest. There were, in the beginning of this troubled period, two strongly surging cross-currents; and Mussolini, with the keen eye and sure foot-work of the man who is looking out for himself at all times, saw a way to ride both of these at once.

First, there were the industrialists and big land-holders. The great industrialists, newly born under pampering tariffs and war profits, lacked both courage and ability. Without effort on their part the war had made them immensely wealthy, and they wanted more war. The land-holders were determined to keep alive a system of agricultural serfdom which dated back to the Roman Republic.

Secondly, millions of men had returned from a war,

which they had never wanted to fight, and were demanding the fulfillment of all the extravagant promises which had been made them. They wanted to see this "new order of civilization," which they had been assured would be bought with their bayonets — ownership of the land, control of the factories, and all the other wartime shibboleths devised to catch the saps.

It seems almost impossible, but Mussolini actually found a way to be for both sides at once; thus placing himself in a position to go over in the end wholly to that side which proved to be the stronger. In 1919 he began to claim the leadership of the Fascist bands, which were made up largely of those revolutionaries who did not like the trend which the Communist bands were taking. Their program of domestic reconstruction was lifted bodily from Bolshevism. It went the extreme limit of Communist doctrine. On the other hand, Mussolini, in his newspaper, also declared in favor of the conquest of Africa, Asia Minor, and way points; so that the industrialists would have plenty of war and the agriculturalists would have famine prices.

Thus, in its beginnings, Fascismo could be embraced by the most revolutionary Communist, and at the same time Mussolini could shake down the moneyed men to promote their war policies, and could blackmail them with the terror of his organization in the factories and the fields. The audacity of this conception of racketeering in working both ends for the middle — the middle being Mussolini — almost lifts it to the level of the more polished crookedness of "statecraft." And he actually got away with it.

In 1919-20, Mussolini fanned the flames of violent revolution. It will be remembered that it was in May of

1920 that this propaganda at last bore fruit in the seizure of the factories in Milan, after the workers had been locked out. The movement spread as far south as Naples, before it met with a speedy and inevitable collapse. Lenin, at this time, is reported to have said coldly to an enthusiast in Moscow: “Comrade, did it ever occur to you that Italy has no coal?”

Neither Mussolini, nor the army, nor any other organization, had anything to do with “crushing” this revolutionary attempt. It was never “crushed.” It died of inertia. The workers had no coal, no credit, no markets, no money — and, above all, they met with no resistance to stimulate the revolutionary spirit. They could not carry on, so they had to quit.

So far from destroying this radical enterprise, Mussolini was one of its first and strongest supporters. More than a year earlier, in March, 1919, two thousand workers seized a factory in Dalmine. Mussolini fomented this rising, and went to Dalmine to make an enthusiastic speech. In his newspaper, April 1, he wrote: “The Dalmine experiment is of the greatest value as showing the potential capacity of the proletariat to manage the factories themselves.”

The industrialists and army chiefs, with characteristic chuckle-headedness, actually distributed copies of Mussolini’s paper to the soldiers, hoping that they would become enthusiastic about conquering the world, and would not read the revolutionary dynamite. Then they blamed the subsequent army mutinies on “Bolshevist propaganda.”

The Moderate Socialists and the Christian-Democrats — representing liberal labor elements of the more solid sort, and sensible middle-class folk who were sick of



political corruption and economic anachronisms — were about the only forces of Italy in these days that tried to keep a sane balance. They were against extremes on either side. They managed to get a forty-eight-hour week for the workers, and Mussolini assailed them as a lot of spineless mollicoddles. But in the circumstances these elements could not prevent many senseless strikes.

Now the so-called "Communist" bands, before mentioned, beat Mussolini's gang to the rich racketeering field of the agricultural districts. Here they blackmailed the wealthy and the mean on a large scale. Italy is primarily a farming country, and it has been cursed from the earliest times with variations of the worst forms of agricultural feudalism. Absentee landlords rented their lands *en bloc* to rapacious agents, who squeezed tenants and laborers to the last penny. And returned soldiers, fed with all the pre-war, during the war, and post-war propaganda of politicians and revolutionary demagogues, were expected meekly to return and put their necks once more beneath this yoke.

It was a fine field for "organizers" — almost exactly the situation which had infuriated the Gracchi two thousand years before. But the men who seized on this opportunity were not unselfish lovers of their countrymen, like the illustrious brothers. It was a racket. They forced all the workers into their organization, collected a good slice of their wages, and blackmailed the big land-holders with constant threats of strikes and sabotage. There was not the slightest attempt at an equitable and constructive solution. These grafters were just as much opposed to a redistribution of the land on an honest basis as were the landlords. It was the so-called "Red dictatorship," and it was intolerable.

Another factor in the situation was the rage of the small merchants over the rapid growth of the co-operative movement, as these stores were cutting into their profits. They were not soothed by blackmailing demands from the Communists.

Mussolini and his gang saw no reason why this band of racketeers should be permitted to get all that money. He ceased advocating the lynching of landlords and food-profiters, and the destruction of the bourgeois tradesmen, and offered these enemies of the proletariat the use of his gangs — for a price. The landlords and merchants welcomed the Fascists as their saviors. Their own sons and protégées joined the ranks, carefully refraining, however, from appearing in demonstrations of a dangerous nature. At the same time, all the professional gangsters and blackmailers and riffraff who had not “muscle in” on the Red dictatorship joined up with the rival organization.

It must be remembered that up to this time the great majority of the Fascists were, temporarily at least, convinced revolutionaries. They were all for reconstructing Italy, along such lines that Lenin could have sat right down anywhere in the land and felt at home. These accepted the new recruits, but held their noses. They hated the “sons and hangers-on of big-wigs” and one of them wrote:

“One saw, on arriving at Fascist headquarters, the well-known surly and rapacious faces of war-profiters; these were shabbily clothed and shod, but all had the inevitable diamond on their finger—and we were obliged to take their money because we needed it to stifle an evil worse than they.”

Mussolini had no such qualms. As always, he went

cheerfully where he could get the most money. He saw, after the factory-seizure movement had fizzled out, that the social revolution was hopelessly flat on its back. He immediately leaped clear over the Center, and landed on the Extreme Right — where the money was. He no longer denounced the trade-unionists and social democrats as weak-kneed shufflers because they were content with a piffling victory such as the forty-eight-hour week. He denounced them as a menace to law and order. The Fascist terror began where the Red terror left off.

The Fascist gunmen speedily bludgeoned or shot all the leaders of rival racketeering gangs in the agricultural districts, and, by the same methods of persuasion, convinced the hapless peasants that there was no present escape from serfdom. They looted and robbed and burned the co-operative stores — always making for the cash-register first — and thus promoted the happiness of the merchants. They murdered workmen right and left, and broke up union organizations, to the great satisfaction of the industrialists. All of these interests said: "Thank you very much. We guess that will be all now."

Then they learned anew the world-old lesson — that it is much easier to hire a gunman than it is to fire him. The Fascist thugs not only insisted that the blackmail go on, but raised the rates. Then the remnants of the Republican organizations and other disgusted groups began financing rival forces. These were called *God's Arditi* and *The Arditi of the People*, and so forth. (*Arditi* was the Italian army word for shock troops.) These elements were as heartily sick of the Fascists as they had been of their predecessors. But Mussolini's

boys had too strong a grip to be shaken off, although some progress was made against this tyranny of blackmail. According to Edward A. Mowrer (*Immortal Italy*) the whole lawless and absurd mess reached a fitting culmination when the Premier, Bonomi, solemnly persuaded the leaders of all the factions to sign a “treaty of peace.” (On a somewhat larger scale, it was exactly like the District Attorney of New York County persuading the chiefs of the rival tongs of Chinatown to sign a peace treaty.) This was in the summer of 1921, when the “danger of a Bolshevik revolution” — which had never, at any time, existed — was no longer even a good dummy for parade purposes.

But the blackmailers of the Fascist gang had no intention of abandoning their rackets for a scrap of paper. They had a firm grip on Tuscany and Emilia, and were strong in other provinces. They kept right on clubbing and collecting. Then Mussolini made the gesture of resigning, because his thugs would not “obey orders.” According to the writer just mentioned, Mussolini declared on August 10, 1921:

“Fascism is no longer liberation, but tyranny, no longer the safeguard of the nation, but the defense of private interests.”

“Everybody knew this,” observes Mr. Mowrer, “but it was comforting to have it confessed by the angry leader.”

[Note: Mr. Mowrer’s work is especially instructive in this connection because it was published in 1922, and was written at a time when no one in Italy dreamed of such a thing as the *coup d’état* of 1922, which was cooked up by Mussolini and his racketeers and the Black Hand gang in the Italian army. The book was, therefore, not

written as a carefully balanced and ordered explanation of causes leading up to a known conclusion. Perhaps mention should also be made here of the fact that a careful documentation of the incidents and writings of Mussolini's early career may be found in the first part of *The Fascist Dictatorship in Italy*, by the noted scholar, Gaetano Salvemini, formerly Professor of History at the University of Florence. It is mere redundancy to add that Professor Salvemini is now a fugitive from Fascismo, and, as Professor Gilbert Murray says, is "commended by Fascist newspapers to the attention of any assassins who happen to be idle in England."]

In 1921, Mr. Mowrer writes, "Italy had settled down to a condition of normal anarchy." This casual reference to "normal anarchy" invites a brief historical explanation; for, in order to keep in its proper historical perspective the current situation in Italy (which is of peculiar interest to us because there the racketeers have at last openly taken charge of the government) it is necessary to bear in mind the conditions which prevailed in the days of the Roman Republic, in the Empire, in the Middle Ages and the Renaissance, and particularly within the last century. Italy has always been fat pasturage for bands of racketeers; and, viewed historically, this Fascist gang falls into its place in the long story of extortion and corruption as smoothly and inevitably as one year follows another.

There is nothing new about Fascismo but the name. It is simply an old coat with new buttons. Its immediate parents were the Camorra and the Black Hand, and its methods and aims are as old as the butchery of the Gracchi and the proscriptions and extortions of Marius

and Sulla. Assassins are always assassins, even if they are officially declared to be playful boys, as the Fascist courts described the murderers of Deputy Matteoti; and it in no way affects the social value of a Camorrist black-mailer to call him a Fascist Ras or Podesta. The only essential difference in their standing is that while the Camorrist crook enjoyed practical immunity, the Fascist enjoys legal immunity as well. Often they are likely to be one and the same man.

The Camorra and the Mafia and the Black Hand gangs have been for a century or more among the most powerful factors in the government of Italy. These societies have always been frankly criminal and since the Unification, in 1870, they have exercised a decisive political influence. This has been especially true of the Camorra in the south, and to a lesser degree of the Black Hand gangs in the north. The Mafia has confined its activities entirely to the island of Sicily, where it has long been the real government and could always deliver the complete vote. The Camorra's home is the city of Naples, whence it governs the province; and, at one time, it made its power felt as far north as Florence and Turin.

Arthur Train, in *Courts, Criminals and Camorra*, thinks that the Camorra came into Italy from Spain in the Middle Ages, along with the Borgias and other horrible diseases. He finds that Cervantes, as early as 1417, knew of an organized criminal system in Spain which divided its proceeds with the police and the Church. (Piety has always been a feature of the Camorra.) This may be the correct explanation of the origin of the Camorra, but in justice to Spain — which has enough to answer for — it should be pointed out that Italy

has rarely felt the need of importing criminal gangs and methods. The home talent has usually been equal to all demands.

The Camorra in Naples was organized as openly and carefully as a public school system, or an efficient political machine in one of our own cities. Naples was divided into twelve districts, and each of these into a number of sub-districts. Although burglary and other remunerative felonies were not neglected, extortion was the principal industry; and the assassination of an inconvenient person could be purchased by any one with the price. In the case of a friend in need, a murder could be arranged without cost — a simple gesture of affection. The Camorrist blackmailed merchants, pawnbrokers, small tradesmen, gamblers, lottery winners, smugglers, proprietors of brothels, cab-owners, boatmen, and individual prostitutes.

The police received a regular "cut." Another portion of the proceeds was devoted to "springing" careless members who had contrived to get themselves into jail under such somber circumstances that it was unwise to entrust their safety to court influence and corruption. The Camorrist also took care of their aged, and of the widows and children of those who had lost their lives in the sacred cause of racketeering. They contributed heavily to the Church, in the shape of offerings to their patron saints, when they were about to engage in any nefarious work which contained elements of bodily risk.

By 1848, they had become the real government of Naples, and the Bourbon kings and their police were either their allies or were powerless against them. Ferdinand II. tried at this time to buy the support of the



Camorra, but the leaders demanded a higher price than the treasury could stand. They were so indignant that they started a revolution, but it was not pressed.

The Camorra, however, continued to pose as a patriotic organization; and, indeed, under the stupid and unspeakable government of the Bourbons, even decent people felt that the society had some claim to the title. There is no question but that the Camorristis helped the victims of tyranny in many ways.

At the time when Garibaldi and his men became active in the Two Sicilies, the Bourbon king was afflicted with a Prefect of Police named Liborio Romano. He was, of course, hand-in-glove with these racketeers. He persuaded Francis II. that the only way to meet the situation was to turn the police power over to the Camorra! This was actually done. The Camorristis in jail were set free, and the society was not only the real police power, but the legal power as well.

Then Garibaldi prepared to march on Naples, and Romano decided that, after all, “it was impossible to maintain the Bourbon dynasty.” It was certainly impossible for King Francis to do it, with Romano and the Camorra controlling his only possible supply of fighting men. Supported by the Camorristis shouting, “Hail Victor Emmanuel and United Italy!”—neither of which they cared anything more about than you do about Etukishok and United Greenland—Garibaldi and his Red Shirts marched into Naples, as some fifty years later Mussolini and the Black Shirts marched into Rome. Criminal gangs made both events possible.

The Camorra now set about looting on a grander scale. For instance, they took charge of the customs at

the city gates; and, under the wise administration of one Salvatore di Crescenza, the receipts fell off — so far as the official treasury was concerned — from more than fifty thousand ducats (over \$100,000) to less than one thousand. Another, even wiser, turned in just four cents as all he had been able to collect in his term of office. The Camorra has been patriotic ever since.

After 1870, these criminal societies became the big powers in politics, and enjoyed complete immunity from punishment for crimes. If an honest Prefect of Police interfered with them, he was at once removed. They could deliver the vote in every district in which they operated. If they so decided, there would not be, in some regions, a single vote cast for a candidate for the Chamber of Deputies who was opposed to their man. And there are instances where the vote for the favorite of the Camorra far exceeded the number of registered voters.

By this time, the Camorra had three distinct strata. There was the "low" Camorra, who did the dirty work in organized bands. The "high" Camorra gave the orders, organized the bigger blackmailing schemes and other rackets, delivered the elections, and acted as liaison between the working organization and the Ring. The members of the Ring were lawyers, doctors, college professors, members of Parliament, and Cabinet Ministers. By virtue of this system, the respectable Ring never had any first-hand knowledge of what the working blackmailers and thugs were doing. Somehow this has a faintly familiar sound, as if the arrangement were not unheard-of in our own politics.

At one time the Ring controlled all but three newspapers of consequence throughout Italy. And, down to

the lowest member of the organization, every Camorrist walked securely in crime. “Party politics” in Italy was more utterly meaningless than it is in our own country. It was simply a struggle for the control of this racketeering organization. As in the public life of Greece, the newspapers ignored the fact that Giolitti and Sonnino and these men called themselves Liberal Democrats, or Democratic Liberals, or whatever designation happened to occur to them as pleasing to the ear. Their followers were simply *Giolittisti*, and *Sonninisti*, and the like.

After the assassination of King Humbert in 1900, a Socialist newspaper, *La Propaganda*, came out with so savage and specific an attack on the Ring in Naples, that a Royal Commission, taking advantage of the public horror created by the crime, plucked up heart to dig into things a little way. The Commission did not get very far, probably through fear of asphyxiation; but it produced a picture of political depravity which compares quite favorably with our best exhibitions. A man named Casale, a member of the Chamber of Deputies, was discovered to be living in luxury without visible means of support. He and three pals, one a newspaper editor, were running things in Naples. Men with long criminal records held important offices. No one could collect a bill against the city without paying blackmail to Casale. No matter how good the claim, the bill was not paid until he was “seen.” Casale secured a subsidy for a steamship company and got \$30,000 for that job. (Note: An investigating committee in New York City is trying to find out, as this is written, why a steamship company paid a county judge in Brooklyn \$250,000 for services in securing the lease of city piers.) Casale

charged a street-car company \$60,000 for a franchise. Southern Italy is largely illiterate because the Camorra chiefs do not see why money should be squandered on education. Casale and his three friends, in only one instance, split up \$100,000 appropriated for that purpose. Hospitals and orphan asylums had to get along as best they could. The Camorra needed their money, too.

This should be sufficient to give the reader some idea of the "normal anarchy" to which Mr. Mowrer referred. It exists no longer. There is no Camorra, no Mafia, no Black Hand. They are all Fascists, and everything they do is legal. And there will be no Royal Commission prying into their activities, either.

Once it is understood that these politicians, and the pusillanimous industrialists and big land-holders, preferred this sort of government to a comparatively honest middle-class government, which might insist on justice for factory workers and farm laborers, there is no difficulty in understanding how the Fascists gained and still hold power. The ignorant wealthy believed — erroneously, of course — that this sort of thing would be cheaper for them.

The elections of 1920 showed that proportional representation had made it more difficult to control elections by the good old methods set forth above; and hundreds of thousands of self-respecting Italians, awakened to a new view of their country's long history of corruption and incompetence, were determined to put their internal affairs on a new footing.

"Here was the source of friction, between the old oligarchic currents and the new wave of democratic life," writes Luigi Sturzo, in *Italy and Fascismo*. "The

latter was labelled . . . Bolshevism, and much was written about the Red Bolshevism of the Socialists, and the White Bolshevism of the *Popolari*."

The *Popolari* was the Christian Democratic Party already mentioned. Don Sturzo, a young and scholarly Catholic priest, was organizer and Secretary-general until, like Professor Salvemini, he became a fugitive from Fascismo. Assassination has been suggested in his case, also. Leading up to the march on Rome, he says:

"There does not exist in Italian political life a more insincere phenomenon than the fear of Bolshevism on the part of the wealthy classes in 1922; the latter had taken the offensive against the State by the Fascist acts of violence, and had to justify both offensive and violence: this they could only do by crying out that there was peril of a Bolshevization of Italy in the near future."

Briefly, what happened was that a gang of thugs and blackmailers, headed by Mussolini, backed by stupid capitalists, and allied with a gang of discredited Black Hand generals, who "could run faster than any troops in Europe," seized the government by a trick. A weak-kneed Premier, Signor Facta, hesitated in insisting that the King sign a decree of martial law. This hesitation was fatal. The King was told, untruthfully, that the army would not fight the Fascists; and then he was told, truthfully, that his delightful cousin, the late Duke of Aosta, was with the traitor generals and the Fascist racketeers making a deal for the crown for himself, in case the King declared martial law, and the *coup d'état*, despite this measure, should prove successful. The King did not sign, and the Fascisti took over the government.

There were only eight thousand of them, and they did not move on Rome until they were sure that the troops would not be called out.

Then the old Camorra games were resumed with renewed vigor. In place of the Camorra chief, there appeared the Fascist Ras. There were more than nine thousand of these scattered through the communes of the unhappy kingdom, and each a petty dictator. He held no official position. He was usually a civilian officer of the Fascist Party, or an officer of the Fascist militia, but he ruled above the police and all other authorities.

They were nice boys, the Rasses. One of them, at Vecchiano, introduced himself to strangers as "Lieutenant Carosi, seven murders." One night when he was out collecting, he waxed playful in a gin-mill and made a young peasant laborer stand up, hat on head, for a William Tell act. He shot the lad through the face and killed him. He was not even arrested.

Another, named Tamburini, was one of the Rasses in the Florence neighborhood. He had been a cheap lawyers' tout, and was once convicted of petty swindling. Of course, he joined the Fascists; and he became a power in the land. In 1925, he was bribed by a man who wanted aid in getting rid of his wife. The Fascisti furnished the witnesses, and the principal, to catch the woman *in flagrante*. She was, of course, entirely innocent. Tamburini was a member of the Italian diplomatic mission to the League of Nations meeting at Geneva in 1926; thus supplying one good reason for not joining the League of Nations.

Commendatore Italo Bresciani distinguished himself as Ras of Verona. His chosen field of endeavor seems to have lain among the proprietors of whore-

houses; with whom, a Verona newspaper charged, he had "not disinterested relations." (The quotation is not from the newspaper columns, but from the official exoneration, which was signed by four high officers of the Fascist party. This is a delectable document, and it is a pity that it is too long for reproduction here. It may be found in Professor Salvemini's book.)

Aside from the regular shake-down of such women by this type of racketeer, it was charged that Bresciani had gone with one of them to Rome, to arrange for a gambling concession. She paid all the expenses of the trip, which included the wining and dining of the party chiefs in the capital.

One line of the Fascist report on Bresciani's case is even more significant than humorous:

"The committee . . . remarks that all the activities bound up with the Fascist revolution cannot be judged by moral standards, having been sanctioned by the success of the revolution."

This merely amounts to a frank statement that the Fascisti see no harm in the most loathsome form of blackmail, so long as the blackmailer is a Fascist. If this lovely thought is compared with Mussolini's defense of the murderers of the Empress Elizabeth and King Humbert, already quoted, it will be seen that both show the same utterly amoral outlook.

After the murder of Deputy Matteoti (when Mussolini was so frightened that his most intimate accomplices were disgusted with him) the leader of the actual murderers, Amerigo Dumini, was arrested — chiefly because the crime was quickly discovered through unforeseen accidents, and because General de Bono, the Chief of Police, was evidently not among the original



conspirators. When he was told that the popular Socialist Deputy had been found murdered, he exclaimed angrily: "I told him that now that we are in power, we must not use these unauthorized methods!"

This Dumini held no public position, but he was constantly around Mussolini's office, and the Home Office, and was on excellent terms with the boss. He had a criminal record as long as the Old Testament. Among other exploits, he cuffed a young girl around for wearing a red carnation. Her mother and brother objected, and he shot them both dead. Of course, he was not arrested for this little ebullition of Fascist spirits.

Curious exhibits were found among Dumini's papers, before the police could be choked off. The Chief of Police of Florence thanked him profusely for all that he had done for him, and was full of apologies for not having been able to prevent the arrest of a Fascist thug who had been caught red-handed by Carabineers in some felony or other. The papers also showed that Dumini had been selling Italian arms to Yugo-Slavia, which country was preparing to fight Italy. He had used another, and higher, Fascist's name to work a timber contract. He had been given five thousand lire, and much gratitude, for driving the owner off of a piece of land desired by the briber. There were several letters offering bribes of fifty thousand lire for him, and a hundred thousand for Cesare Rossi, one of Mussolini's right-hand men, and going up to a hundred thousand lire for Dumini, and two hundred and fifty thousand for Rossi, to secure a government contract.

Fascisti racketeering covers about as wide a range as any organized skulduggery in the history of graft. On June 24, 1931, the Rome correspondent of the

*New York Times* told the following little story in explanation of the outrages on the Catholic organizations:

"It was declared finally that the alleged revelations of political anti-Fascist activities pursued by Catholic Action, were supplied to the Fascist party by a Signor Cappa, one of the most recently appointed members of the Superior Council of the Italian Catholic Youth Association.

"He, according to Catholics, wrote a false and completely fanciful account of the speeches delivered during meetings, and then attempted to sell it to the government which, however, refused it. Then, these sources declare, he offered it to the Fascist party, which purchased it, and soon after launched a campaign against the Catholic Action."

The shades of Firmius Catus and Titus Oates must have patted Signor Cappa's back in expert approval, as he sat dreaming and writing.

The Fascist Party and the Fascist Government are, of course, the same thing, although they do probably keep different sets of treasury books. So it makes very little difference where Signor Cappa got the money.

Recently, however, a large number of American bankers and investors are beginning to feel that it makes a great deal of difference to them where Signor Cappa got the money. In our ignorant enthusiasm for this gang of plug-uglies we have loaned them nearly \$500,000,000 in the past eight years, about four-fifths of all that they have been able to borrow abroad. They have had a grand time with that money, but now our folks are at last beginning to wonder if and when they will ever get it back. They need not wonder too much. The canny English have never loaned these crooks a nickel.

Mr. George Seldes, in *Scribner's Magazine* for May, 1931, gives facts and figures which make amusing reading for any one who does not hold any Italian securities. Among other novelties, the Fascisti have introduced the unique idea of deliberately falsifying the national budget with a view to deceiving foreign investors — just like a bucket-shop crook selling worthless stock in a bankrupt company. In 1923-24 they coolly left out a debit item of \$700,000,000 — a sum about equal to the entire tax collections for one year. Every fifth man in the country is on the public payroll in some form or other, and the Fascist government has to keep on borrowing money to pay these parasites. Thirty million good American dollars, borrowed by the City of Milan, were squandered with “unheard of graft.” The podesta of Milan was accused of accepting a bribe to favor the American loan terms but the investigation had to be dropped because it was getting too close to Arnaldo Mussolini, Benito's brother. Since the Fascists have taken over the rule of the city from the Socialists, they have tripled the cost of municipal government and more than doubled the municipal debt.

The Italian bankers who cheered because a gang of murderous strike-breakers had seized the government of Italy have ceased to cheer. Nothing annoys a banker more than to have a strike-breaker turn into a bank-breaker. Unable to borrow any more abroad, the Fascists last year made a “forced loan” which was “considered by bankers as partial confiscation of private property.” The *Wall Street Journal* thinks “it is difficult to imagine a more complete case of financial suicide.” Some of us have always argued that gunmen cost more than they are worth.

But what must ever remain a mystery to the uninitiated is how any one could ever have seen any difference between lending money to the Fascist gang and lending it to the Five Points gang.

"The Fascist party is only a Camorra on a grand scale," says Professor Murray, in his preface to Don Sturzo's book. The eminent scholar is wrong in one important particular. It was sometimes possible to convict Camorristis of crime. They were, after all, outside the law, and the law could sometimes reach them — just as it can sometimes reach racketeers in this country and in Russia, where they have caught hundreds of them, and where they shoot all they catch.

But in Italy, Fascismo — organized racketeering — *is* the law. With us, a racketeer is sometimes denounced and punished. In Italy, he is decorated and promoted.

What should acutely interest us in this picture is the fact that, not so long ago, conditions in Italy were pretty much what they are in our country today. It is more than a restless curiosity that asks how long it will be before conditions in the United States of tomorrow will be what they are in Italy today.

"We need a Mussolini," do we? Let there be no concern on that score. We have plenty of him.

## Laws For Ornament Only

FOR many years this writer has thought that he would one day write an essay to be called *In Defense of Hypocrisy*; but as it is virtually certain that he will never get around to doing it, he may as well state here that there is something to be said for the hypocrite.

Above all else, the hypocrite is an idealist in that he recognizes the existence and the fineness of certain qualities of the spirit, and of standards of social conduct, although he lacks either the strength of will or the soundness of character to make them his own. Yet his admiration of these fine qualities is such that most of his days are spent in trying to make those around him believe that he is actually so endowed. He does not really think it a splendid thing to be a rakehell or a cheat, otherwise he would publicly glory in his wrongdoing, as do many who are not hypocrites. And by this much he is finer than those others, and there is some hope that he may even some day *become* the sort of man he likes to be thought to be.

But when this much is said for the hypocrite, there is little more in defense of him; so perhaps it was just as well to abandon the idea of the essay. If hypocrisy affected only the hypocrite, there would be more inclination to pity him, and less to poison him, than there is today. What makes him a social menace is his feverish eagerness to effect some sort of barter or trade with

his God over his own evil work, at the expense of the sins of others. He would make amends for his thievery in business by reforming the home of his neighbor. His lust for the profits of child labor is offset, he hopes, by his enthusiasm for Sunday schools. His adultery with his neighbor's wife, or with his own stenographer, leads him to advocate strong laws against prostitution. A glutton at his own board, he does not want those for whom dining is a social function to have a glass of wine with their food.

He is one with Samuel Butler's Roundheads in *Hudibras*, who

*Compound for sins they are inclin'd to  
By damning those they have no mind to.*

Most of all, they damn in others the sins they are themselves inclined to, but have not the courage to commit; or when they do commit them, they are in constant panic through the dread of discovery. The Roundheads drove the whores of London into Lewkenor Lane, but they followed them there. By this sort of public denunciation of his own private desires — whether gratified or no — the hypocrite seems, in some curiously twisted way, to feel that he is squaring his accounts with society or with his God.

This habit of mind and of human conduct was well known to the ancient moralist, and has even been discovered by the modern psychologist. But it is of special concern to the sociologist; for it has given birth to a great mass of what may be called ornamental legislation — that vast body of prohibitory regulations dealing with the customs and manners and sex-life of men and women — all matters, in short, which have

never been, and will never be, proper subjects for legislation. And these prohibitions in turn have, of course, propagated a mighty brood of rackets and racketeers.

First in public attention among these statutory icons is the prohibition of the liquor traffic, a subject about which there has been a vast amount of confused discussion, culminating in the report of the Wickersham Commission, which thrice confounded the confusion. This report declared almost unanimously in a general summary that Prohibition should be continued; then it proved in detail that Prohibition could not be continued because it had never been applied, and could never be applied, and a great majority of the Commissioners were against doing anything of the sort.

The natural outcome of all these foggy polemics has been the growth of a number of popular errors in connection with the question. One of the chiefest of these is that Prohibition is responsible for racketeering. As this whole work has been designed to show that racketeering is as old as the human race, there is no need to labor that point. Prohibition is not only not responsible for racketeering, but it is not even responsible for booze racketeering. That began with the first attempt to regulate the liquor traffic, at least as far back as the early Middle Ages, and probably much earlier.

This writer's first experience with racketeering — as a newspaper reporter — was in his home county in southern Illinois, where the county prosecutor was collecting regularly and legally from unlicensed saloons. These saloons were in the small villages and along the country highways. They could afford the Federal license, which was comparatively inexpensive, but the local license had been made costly with the idea of re-



ducing the number of saloons. It worked about as successfully as those methods have always worked. Operating a saloon without a local license was punishable by a heavy fine, and to stimulate the ardor of the county prosecutor those fines were made part of the emolument of his office. Of course the result was that once or twice a year these delinquents came into court, pleaded guilty, and paid fines aggregating about \$200 annually — a sum which they could well afford. There were about seven hundred of these places, so the prosecutor added some fourteen thousand dollars to his yearly income. The saloonkeepers operated unmolested, and the local treasury lost the license money.

The Sunday Closing laws in New York City and other communities throughout the land operated to much the same end. In the home neighborhoods, where there was special demand for Sunday drinks, the saloonkeeper closed the front door and pulled down the blinds, and the customers went in and out of the side door. Just what great moral cause was served by this arrangement was never demonstrated, but it was a source of much profit to the police. One mayor of New York, the late William J. Gaynor, tried earnestly to kill this graft by publicly forbidding police officers to enforce the law, so long as the place was not a public nuisance. "Outward decency" was all he demanded. He was, by the way, a "Tammany" mayor.

Local ordinances prescribing those hours during which it would be illegal to dispense liquor obtained the same results. If there is any harm in drinking liquor at all, it is just as harmful on Wednesday as it is on Sunday. Similarly, there is no more obliquity in taking a drink at six o'clock in the morning than at six o'clock in

the evening. It depends on the individual's habits of life and hours of employment. England has attempted to stop the sale of liquor between midnight and eight o'clock in the morning, with the result that for the first time in generations racketeering has broken out badly in the Metropolitan Police.

All of this sort of regulation is an outcropping of hypocrisy. Because the majority of us are finishing a night of pure repose at six o'clock in the morning, we shudder at the thought of taking a drink at that hour. But in every community there is a minority which works at night and our breakfast time is their cocktail hour. Nevertheless, any good citizen hastening to business, redolent of shaving soap and breakfast bacon, feels that there is a lost soul in the neighborhood if his nostrils are assailed by a whiff of gin-and-vermouth. On the way home from business he would be unconcerned. Smelling that way himself, he would not notice it in others.

The old Sunday Closing laws, and the present law in England, whereby public houses may not serve liquor on Sunday during the hours of church service, flowered in the same atmosphere of pious fraud. Ministers hoped to get more people into the churches, and those already undergoing the weekly agony of uninspired sermons and bad music hoped to inflict the same tortures on as many of their neighbors as possible. Obviously, any man who desires to attend divine service will find his way past a thousand saloons to a church. Conversely, any man who wants a drink will find his way past a thousand churches to a saloon. Some years ago, Professor William Lyon Phelps of Yale publicly suggested that church attendance in New Haven would improve if the quality of the pulpit output improved. A group of ministers in-

vited him to improve it. He played to standing-room Sunday after Sunday. But then, Professor Phelps possesses two great advantages: he is a real Christian and he has real brains.

While Prohibition was not the father of even the booze racket, there is no question but that it made the booze racket the greatest single racket in the country; and even more sinister was its influence in swelling the volume and increasing the tempo of racketeering, all along the line. The immense profits to be made with comparatively little risk have drawn men of real organizing and executive abilities into the life of the underworld, with the result that they are lifting the underworld to a height where it is becoming confused with the upper world. With plenty of money for legal defense and illegal offense, and for political contributions, they are reaching out more and more for the control of what have hitherto passed for being legitimate industries and commercial activities.

There are, of course, no statistics on the profits of the illicit liquor business; and it is probably well for the peace of mind of the nation that no one knows exactly how much is being made out of bootlegging in all of its ramifications. Years ago, before it was anywhere nearly so well organized as it is in 1931, Al Capone said that the booze racket in Chicago alone was worth \$75,000,000 a year. About the same time, a Federal District Attorney of New York said that \$1,500,000,000 worth of industrial alcohol was diverted annually to the bootleg trade. This would produce at least \$4,000,000,000 worth of bootleg liquor at case prices and much more than that at retail prices. In addition, smuggling is now organized and operated as a big business, which was

not true a few years ago. Today, along the Atlantic seaboard at least, Scotch whiskey of a very drinkable quality can be bought by the drink for not much more than a legitimate advance on London prices.

Probably, eight or ten billion dollars a year is an extremely conservative estimate of the gross returns. There are at least 300,000 speakeasies in the United States, and — to put it absurdly — if they pay on the average only five dollars a week each for local protection, that is \$75,000,000 a year for the neighborhood police and the petty politicians. The "big money," both for the bootleggers and for the higher grade enforcing officers and politicians, is in the wholesale manufacturing, importing, and distributing. It would be foolish even to attempt a guess at the amount of the annual graft money in that field. But this should be sufficient to convey some idea of the cost, financial and social, of the white flower of Prohibition in the nation's Sunday coat.

Mr. Capone always maintained that he was a legitimate business man engaged in the enterprise of supplying a public demand. Casuistry to one side, there is something to be said for that point of view. The American people have never accepted the Eighteenth Amendment as law. They never will. Governmental interference with the beverage tastes and habits of the people can never be anything more than a police regulation, unwise at best; and the fact that this police regulation found its way into the charter of national government (where it has about as fitting a place as *Red Hot Mamma!* in a Requiem Mass) does not in the slightest degree affect its real nature. It is axiomatic that while parliaments and congresses and legislatures can write

and pass statutes, these do not have the force of law unless they accurately interpret long established community judgments and long tested ethical decisions. These assemblies are not law-making bodies: they are law-registering bodies. For instance, a law forbidding a man to come into another man's house and walk out with his cut-glass decanter full of whiskey has the complete endorsement of the community. It is theft. But a law *empowering* a man to come into another man's house and walk out with his cut-glass decanter full of whiskey could not have the endorsement of any man worthy to wear trousers. It is tyranny. Consequently, while we have a statute against the selling of liquor, it is wholly legal to drink liquor; and an attempt to make it illegal to buy liquor failed in the Congress.

This anomalous situation gives point to Mr. Capone's contention; and rather widespread ignorance of the fact that of the three operations — selling, buying, and ingurgitating — which are integral parts of the act of encompassing a drink of liquor, only one of them, the selling, is forbidden by statute, has been the source of much additional confusion.

Those of us who buy and drink liquor are constantly denounced by the Drys as law-breakers and nullificationists and so forth; whereas there is no law-breaking involved in either operation. An ardent Dry, writing to the *New York Times*, said that an individual who ignored the Prohibition law was as anti-social as an individual who ignored the traffic lights.

There could be no better illustration of the general haziness brought on by this Prohibition burlesque, which makes it impossible for a large and growing number of Americans to see why they should have re-

spect for any laws or regulations. Taking a drink is an intimate personal matter, and is entirely the individual's own business. The use of the streets, on the other hand, is entirely a community matter; and all ordinances and regulations which so operate as to make the use of the streets safer and more convenient for all have the endorsement of all the individuals in the community. A man may take a drink whenever he pleases, without in the slightest measure infringing on the personal rights or jeopardizing the safety of another. But he cannot run past traffic lights without doing both. Similarly, no one has a right to interfere with a man's determination to smoke all the cigarettes he likes in his own home; but no one has a right to smoke cigarettes in the subway — and no one does. We share the streets and the subways, and they are our common concern. But a man's drink is his own, and it is not the community's concern at all.

Fifteen years ago drinking was becoming more and more unpopular in the United States, even as a casual social function. It is so no longer. We have thrown away many decades of ethical growth in order to make a sanctimonious gesture, and to hasten the reign of racketeers. It seems hardly worth the price, though it sits perfectly with our national genius for confusing manners and morals — and then making a mess of both. We have finally reached the absurd pass where the Attorney-General of the United States recently appeared before the Congress and begged for a special appropriation to be expended in pleading with the people of the United States to obey a provision of the Constitution, adopted more than ten years ago. This was too much for even the Congressional sense of humor, and the appropriation was refused. Gilbert and



Sullivan never dreamed a satire of government half so wild.

If you are straining to hold a man who is trying to hit you with a blackjack, it is vain for him to protest that he is merely trying to appeal to your conscience. Our hypocrites, and sincere but ignorant reformers, do not understand that compulsion is incompatible with the ethical development of Western society. Religion is their true weapon. They should cease making crimes out of social customs and make them sins instead. Mohammed would feel completely at home in the Anti-Saloon League, or in any anti-vice society, but Jesus would be saddened. Mohammed was an extremist and Jesus a moderationist. Mohammed did not care for liquor, but he certainly loved the ladies. Moreover, he probably knew from experience that, while alcohol in excessive quantities is at first an aphrodisiac, its ultimate effect is markedly to lower the capacity for sexual enjoyment. So he made it one sin to drink liquor, and another sin not to take all the women you could get — a good, comfortable religion for men who are built that way; and many a pillar of the Church in our country would be a lot happier, and the community would be much better off, if he would go and join a good mosque.

Jesus, on the other hand, was against prohibition and polygamy. He was in favor of wine and monogamy. He knew that a little liquor promotes the wholesome gaiety of social intercourse, and He refused to allow the wedding party of Cana to become a social dreariness for the lack of a little wine, even if He had to perform a miracle to prevent it. But He also earnestly hoped that this would be the only wedding party which the bridegroom would attend in that rôle, and that he would



know no other women save his bride; for Jesus also knew that polygamy kills the romance of sex. So that while He was heartily in favor of liquor and sexual intercourse, He was bitter against excess in either. Man, so far as we have any record of his doings, is naturally an extremist — a murderer, racketeer, glutton, drunkard, and polygamist. Jesus knew how slow must inevitably be the processes of the ethical education which could alone overcome these tendencies. So He held out the hope of the understanding and the forgiveness of God for all who would try, and fail, and keep on trying. He did not suggest that we could be reformed by statutory enactment, not even the statutory enactments of God.

This is by way of demonstrating a profoundly important point: that the good people who advocate ornate legislation for the enrichment of racketeers are doubtless good people, but they certainly are not Christian people — either in the orthodox or, for this purpose vastly more significant, ethical sense. For the ethical tradition of the Western world — which is drawn from the body of the Christian teaching — is that compulsion in these matters is not only impossible but undesirable. Therefore, with us, such statutory enactments cannot have the force of law, and can only provide machinery for the blackmailing of the many and for the corruption of all government.

Prostitution is another case in point. To these people who know nothing about it — or are ashamed of their illicit knowledge — prostitution seems to be such a simple matter to handle by law. You merely write a statute, whereby a girl can be sent to prison for accept-

ing money from a man for the use of her body, and that is the end of it.

That is not even the beginning of it. In the first place this is a grossly incomplete definition of prostitution; and, in the second place, such statutes have never been and never will be effective. Prostitution is as old as racketeering. The Old Testament is full of it, and so is the literature of ancient Greece. In the *Mimes* of Herodas, there is a portrait of a vile old procuress, which might have been drawn from life today. She is trying to corrupt a young wife, whose husband, as the procuress points out, is enjoying himself in Egypt, where both the women and the wine are luscious. This is one of the most venerable gambits of seduction; and the other arguments she employs are as old as the race — and as fresh as the girl who will be corrupted by them a thousand years hence.

“Gryllus,” she says, “has won five prizes at the games. . . . Twice at Pisa in the men’s boxing. He is very wealthy also; so gentle that he would hardly break a twig; and in matters of love an unbroken seal. He saw you at the Descent of Mise, and since then has been all on fire and mad with longing: he . . . weeps . . . and is near death’s door. Now, Metriche, my child, grant to Aphrodite this one weakness: submit yourself to her will, lest old age look upon you before you think. You will gain in two ways: you will live a life of pleasure, and he will give you more money than you can imagine. Think of it and consent: I am only doing this for love of you, I swear it.”

In Athens prostitutes were trained to be a refuge from the dull and stupid Greek wives, and in medieval

Italy, they were called "courteous ladies." Young blades of the Stuart times paraded them in the streets, and Roundheads sneaked in pursuit of them up dark lanes. The village whore is one of the grand old American institutions, and the cities of the world today are alive with these ladies of easy virtue. They have been the companions of thieves and the consorts of kings, and there are more of them today than there ever were.

Our social organization has tended greatly to increase the number of prostitutes, and has vastly complicated the problem of identifying and classifying them. Our hypocritical laws have made it more difficult to deal with them intelligently, because the framers of those laws had no knowledge of the subject, and the law enforcers have, for the most part, no character.

There are all kinds of prostitutes in our communities, and only a few are discriminated against by law. Many of these women consider themselves quite decent, and look with contempt on other prostitutes. Those others frequently reciprocate the contempt. For instance, there is the type of prostitute who marries a man she loves, and then goes out on the streets to earn money to give him. She disdains the "kept woman," because the *femme couvert* is not married, and therefore has not the same claim to respectability. The latter returns the contempt with interest, because she is kept without working, by some "sucker," while the married prostitute is such a ninny that she goes out on the street to sell her body and then gives the money to a man. If the kept woman does any "cheating," as she usually does, the money she collects is her own. With professional street-walkers and "house girls," a business engagement is always a plain financial transaction; but a girl who

would be insulted by an offer of money will accept "presents" of fine clothes and jewels. Another, who will have none of these, will be complaisant in return for a "swell feed and a show." These last groups are what might be called part-time prostitutes. They are usually the employees of respectable corporations, which pay them not quite enough to maintain a confident connection between body and soul. They turn to prostitution for clothing, extra food, ornament, and entertainment. Also, they frequently find it advisable to be kind to the boss, lest they snap the tenuous cord that binds them to the pay-roll. They are scorned by money-taking prostitutes because of their lack of business intelligence, and they are hated as a price-cutting factor in the lust market. They are contemptuously called "freebies," or "charities."

Even if it were advisable, it is obviously impossible to frame laws which would cover this whole situation — to say nothing of the impossibility of getting such laws enforced. The old procuress of Herodas did less harm, and is a much more estimable character, than the employer who makes advances to a woman employee, unless he is holding a wedding ring in his hand. He does not have to tell her in words that the use of her body is part of the consideration for which she draws a weekly wage. He may not even have as much in mind. The threat is implicit in his conduct. But can any one write a law that will meet this case? Does any one really want to?

The history of our attempts to abolish prostitution shows that our chief concern is to clutter up statute books and police regulations with pious and hypocritical aspirations. Then we turn the more unfortunate minor-

ity of these women over to the salaried snooping of "vice societies," and to the nauseating machinations of stool-pigeons, racketeering policemen, shyster lawyers, and corrupt magistrates.

This fact, however, has never unduly troubled us. We can always prove by reading the law-books that we are a people who do not drink nor fornicate. And the crown of our hypocrisy is that any man may legally buy a drink or the body of a woman. Only the man who sells the drink and the woman who sells the body are the "criminals."

We have literally thousands of laws of this and kindred sorts; and there are one Federal Congress, forty-eight state legislatures, and innumerable smaller law-making bodies, grinding them out in thousands more each year. They deal with everything, from the scrubbing of the sidewalks to the wash-lines on the roofs. A former District Attorney of New York County declared in a public speech about twenty years ago that an ordinary law-abiding citizen violated about twenty statutes and ordinances every morning before he reached his place of business. It would probably be two-score today. He also said that any one could purchase a murder for about five hundred dollars. The price has since been greatly reduced.

Many of these stupidities are to be attributed to that phase of hypocrisy which impels us to run from ugly things in our own secret lives, and this gave birth to our national habit of busily nosing into the affairs of other people. And very many are the result of well-meant attempts to safeguard the health and lives of people who must live and labor under conditions which they have not the power to control. We insist on attending

to these matters for them, because if they tried to do it for themselves they would almost invariably be instantly recognized as Bolsheviks.

It makes no difference to the racketeer how excellent, or how hypocritical, was the intention behind the law which enables him to work his racket. Nor does it make any real difference to the community. Even a brief human-nature study of the enforcement machinery of the laws of this *genre*, such as that recorded in the next chapter, is likely to lead to the conviction that they might all just as well have been designed to promote racketeering.

## Who Will Watch The Watchmen?

WHEN a statute or ordinance is an expression of the unquestioned ethical standard of the community, it becomes a law which is virtually self-enforcing, insofar as it can be enforced at all. But when a legal dictum is not so underpinned, it is practically unenforceable, and it costs millions of dollars in the creation and maintenance of an immense bureaucracy, and many more millions in corrupting the bureaucrats.

By way of illustration, the law against murder is in the first class. No matter how well a city may be policed, no reasonable citizen expects the police force to prevent murder. If a man has privately made up his mind to kill some one, only a very happy accident will permit the police to prevent his doing it. All that the law officers can hope to do is to find the guilty person, and thus enable the community to place him in surroundings which will make it difficult for him to commit future murders.

A Homicide Squad of a police force is not formed with the idea of suppressing homicide, though that would be an eminently proper police function if it were practicable. But a Vice Squad is formed to suppress vice, which is not only as impracticable as preventing murder, but is not a police function at all. As noticed in the preceding chapter, this is the province of religious and ethical teachers.

The result of this confusion of police functions is



racketeering. The invariable sequel of attempts to regulate the personal habits and morals and ways of living of individual citizens is the turning loose upon the community of a horde of corrupt parasites. In addition to what might be called the normal output of corrupt judges, lawyers, and police, we have immigration inspectors, dock inspectors, tenement house inspectors, fire inspectors, license inspectors, food inspectors, building inspectors, school inspectors, dance-hall inspectors, motion picture, book and play censors, Prohibition enforcement officers, vice squads and so on; to say nothing of the swarm of unofficial or semi-official snoopers and propagandists, supported wholly or partly by private funds.

This is a wide field of racketeering, and once these folk acquire a taste for corrupt money, it is a simple matter to add more and more laws, with the sole purpose of making it impossible for a man to build or occupy a house, or sell anything to eat, drink, or wear, without violating some ingenious legal regulation which forces him to pay racket money.

When a good citizen feels too virtuous longer to put up with his neighbor's morals or manner of living, and decides that "there ought to be a law," he would do well to bear this fact in mind. Politicians will always rally around a reformer who is advocating the passage of a law which will create more jobs of this sort. And, once created, these jobs are the most durable and enduring of our national institutions. It is politically impossible to have them abolished, because politicians need them wherewith to pay political debts. Political parties cannot recompense their workers out of their party funds. They must be paid out of the public funds, and

every new job thus created is one more asset for political machines. Moreover, the more unpopular and unenforceable the reform, the more opportunity for safe and lavish racketeering.

The party which is in power, in local, state, or national government, cannot abolish one of these offices without offending a party worker. The party which is not in power does not want any of these offices abolished, because the longer they are out of power, the more hungry henchmen they will have to provide for when their luck changes.

President Hoover, however glaring the gaps in his political equipment, is a business administrator of proven ability. Like many of his predecessors, he announced that he intended to clean up the Washington bureaucracy; and, unlike many of his predecessors, he unquestionably meant it. With a vast expenditure of energy, he was barely able to ruffle the surface. Governor Roosevelt of New York said that he saw no reason why State funds, turned over to local communities for educational purposes, should be subjected to a legalized racket. A county officer deposits these funds, and then draws one check for the whole amount, which he sends to another functionary. For this grinding labor in the service of the commonwealth, he receives one percent of the total sum. When he tried to abolish this graft, the honest country politician turned on the Governor like a wildcat defending its young. It was worse than his veto of a bill to subsidize the country newspapers for printing laws which no one reads.

Prohibition has given employment to thousands of political placemen, and has enriched hundreds of them. Every one knows, what the Wickersham Commission

officially reported, that there is no enforcement in the United States. After much gang warfare, Al Capone organized a booze manufacturing and distributing system, extending from Chicago as far west as Omaha, and as far south as Oklahoma. He operated for years, untroubled by the millions of dollars spent annually for enforcement purposes. How many millions of dollars he paid to enforcement officers cannot even be estimated. He was finally induced to plead guilty to a liquor peddling conspiracy charge only under the threat of a heavy prison sentence for failure to make a proper income tax return. The Government tries to enforce Prohibition, and then somewhat unreasonably wants to share in the profits of bootleggers. It cost the Treasury of the United States about \$195,000 to get the information about Mr. Capone.

At a cost of two years' time, and \$500,000 in expenses, the Federal enforcement authorities brought about the indictment of fifty-three individuals and corporations on charges of diverting industrial alcohol into bootleg channels. The Baltimore correspondent of the *New York Times*, July 21, 1931, wrote:

"George A. Youngquist, Assistant Attorney-General in charge of Prohibition prosecutions, and his assistant, Norman J. Morrisson, were present at the conclusion of the inquiry. Some of the officials of the Department of Justice were in favor of dealing with these companies by regulation and threats of revoking their permits. And Mr. Youngquist was here supposedly to convey this view to the grand jurors. They indicted none the less."

Two years is a long time, and \$500,000 is a great deal of money, to spend in discovering that it is not worth while to try fifty-three individuals and corporations for

violations of the law. It is almost certain that the indicted will never be found guilty and punished. There is no reason to suppose that Mr. Youngquist is anything but a conscientious public servant; and his desire that they should not be brought to trial could arise only from the conviction that nothing much can be accomplished by this method of attack. One of these corporations is declared by the *Times* to be the biggest in its line in the United States.

In practice, the Government of the United States is today handling the liquor business by a new system of informal licensing, closely resembling the method outlined in the preceding chapter as prevalent in some of the rural counties of Illinois, long before Prohibition. Thousands of violators are arrested annually, and to give each of these a jury trial would hopelessly swamp the Federal courts. So "bargain days" have been established. On these days the violators plead guilty in masses, and are fined a uniform amount, which goes into the National treasury.

The amount of the fine is uniform with respect to violations in any one district, or court, but varies widely throughout the country. In our larger cities and industrial regions, where there is no sentiment in favor of Prohibition, the fine in ordinary cases is negligible. In the agricultural districts, where city-organized purveyors of beer and whiskey and gin compete with the local applejack and corn-whiskey retailers, who are strongly in favor of Prohibition, the courts are much more severe. In northern and western New York, for instance, the fines average between four hundred and four hundred and twenty-five dollars. Corn whiskey is found in quantities rather farther south, but excellent

applejack can be purchased almost anywhere in the rural districts of New York state for from ten dollars a gallon down. It is a very pleasing beverage and has a back-kick like a field-gun.

It is not altogether just to accuse these earnest agricultural Prohibitionists of hypocrisy. For the first time in forty or fifty years, the farmers of the eastern apple-growing country have been making money out of apples which formerly rotted on the ground. The unconscionable crookedness and cheating of metropolitan marketers and commission men made it scarcely worth while for unorganized farmers to gather the apple crop for the market. Now they can turn the apples into applejack, and make a real profit. Why should they not be in favor of Prohibition? Similarly, from the Potomac south to the Gulf, the corn-growers of the hinterland have found that Prohibition works to their advantage. This is one of the principal reasons why the southern states stand firmly behind the Eighteenth Amendment, though they are not so zealous in support of the Fourteenth and Fifteenth. Good corn whiskey is readily obtainable in Washington at from four to six dollars a gallon; and in South Carolina, the price is down to two dollars and even less. This last, however, is the price for unaged whiskey. That situation has created a new industry — the manufacture and sale of small, charred oak containers, holding as little as a gallon, so that any one can buy raw or partly aged whiskey, with all the facilities for aging it himself. The well-to-do usually establish a small still somewhere out in the back-country and hire labor at a dollar a day to turn out a large supply, which is then stored for aging. This makes the cost negligible, as there is practically no enforcement

machinery in the rural districts of the South, and therefore little racketeering. No one in the South cares how much a white man drinks, but all are deeply concerned about drunken Negroes, especially of the gin drinking variety.

In the Federal courts of the great agricultural states of Iowa, Nebraska, Minnesota, and the two Dakotas, the average fine is three hundred and sixty-three dollars. In New York City, it is \$36.93. The effect of all this is the tacit re-establishment of a sort of local option, with an inequitable low license system. It costs just ten times as much to sell liquor on a commercial basis in the corn, wheat, and fruit country as it does in New York City. But for this there is a sound reason. In the agricultural districts, the agents of Mr. Capone, and his ilk, are competitors. In the big industrial centers they are benefactors.

The average of fines in New York City has risen to a certain extent, but it will not rise very high. Any purveyor of liquor in the metropolitan district can stand a fine of forty dollars every so often, and still have plenty of money left to pay the police and the Federal agents and the politicians. But if the courts began raising the fines too high, there would not be enough money to go around, and then the United States Treasury would suffer. There would be just so many fewer arrests; because, obviously, political leaders and enforcing officers are not likely to accept a decrease in their incomes for the ridiculous purpose of allowing a bootlegger to pay a bigger fine.

We are just now learning from various investigations throughout the country that it is not an uncommon thing for a policeman to bank from fifty to two hundred



thousand dollars within a single year, most of which money comes from the Prohibition racket. Of course, he is rarely allowed to keep more than a reasonable percentage for himself. But all concerned in dividing these millions are unanimous in the feeling that the money should not be wasted on the United States Government. Here is more strong support for the Drys.

Prohibition is given a place of prominence because, of all our legalistic stupidities, it is the most profitable source of racketeering. And not only does it finance racketeers who are looking hungrily at other businesses, but it is also a great and permanent school for criminals. This is sometimes true in a more direct sense than the common understanding that Prohibition breeds contempt for real law, and for honest attempts at real law enforcement. A young man who has no particular criminal tendencies, but has the natural human desire to avoid labor, may become engaged in the liquor traffic without feeling himself to be a criminal, and without being regarded as a criminal in his community. A bootlegger is not the same as a murderer, but an innocent bootlegger may suddenly find himself to be a constructive murderer. If a boy is told to take out a motor car with a couple of other men, to collect a shipment of liquor, he may not find out until too late that the real purpose of the expedition is to hold up a bank, or kill a rival. He has unwittingly become an accessory to a grave crime; and after that nothing makes much difference.

In a big city like New York the combined building rackets are probably as lucrative as Prohibition. From the time a man begins to buy a piece of real-estate until he has sold the completed building, he is the prey of a horde of racketeers, official and unofficial. Politicians



have friends and relatives in every branch of the building supply trade. Sand, gravel, cinders, crushed rock, brick, lime, cement, cut stone and uncut, plumbing, electrical fittings, foundation work, construction, lumber, plaster, window-frames, steel, tiles, lathes, glass — on down to door-knobs and the very lettering of signs on summer awnings — in any or all of these the builder is likely to be told where he had better buy, and how much to pay. If, despite this warning, he uses his own judgment, he immediately has a strike on his building, or he becomes involved in endless difficulties with the various swarms of inspectors — or both. Unless he “knows the ropes,” his troubles begin as soon as he sets out to have the building plans approved, and they never end.

It is extremely conservative to say that racketeering has added at least ten percent to the cost of building in our cities.

And when an office building, or apartment house, or any public building, privately owned, is at last in operation, there comes a steady drain of racket money which must be added to the carrying charges. Any architect will tell you privately that it is a practical impossibility so to construct a building in New York City that at least one or two of the army of inspectors of various denominations cannot find something wrong with it. They can then put a “violation” on the building, and keep on putting violations on it, until the owner or lessee learns that it is cheaper to buy them off and be done with it.

A temporary coolness once grew up between a police captain and the proprietor of a department store. Within a few days there were nearly two hundred violations of

the police, sanitary, building, traffic, and fire codes on the department store building, and its operating appurtenances. Warm relations with the police captain were at once re-established. This writer worked for five years, in safety and comfort, in a building which had on it between forty and fifty violations of the fire and building codes. The building was perfectly safe in every way, and could be emptied in about two minutes.

A theatre owner was ordered to spoil the effect of a new lobby by putting a railing down the middle of a broad flight of marble stairs. Of course he did not do it, but there was a violation on the building. In theatrical circles, by the way, the fund set aside for meeting these monthly shake-downs was at one time entered up in the books under the singularly apposite and delicate heading of "angel-food." Any one who has had experience in the making of motion pictures knows that it would be impossible to produce a finished motion picture in New York City on a reasonably profitable commercial basis, and at the same time obey the letter of the fire regulations. Yet, with one possible exception, there has not been in years a studio fire which could be attributed to the violation of one of the legal so-called safeguards, with respect to the handling of film. The men who work with film know how dangerous it is, and they take every reasonable precaution for their own protection.

A building with any sort of violation of any of the myriad and minute provisions of a dozen codes is technically unfit for the use to which it is being put, but that does not mean that the building cannot be so employed. It simply means that an inspector, or some one higher up, is being paid to ignore the presence of the defects,

or that the owner is given from month to month a "temporary permit." In either case, he pays, and is seldom disturbed. Once, the owner of a warehouse sent the usual Christmas present of a hundred and fifty dollars, and a few bottles of whiskey and boxes of cigars, around to the fire-captain. Before New Year's day, the boys were putting violations on his building. He cornered one of them and wanted to know what was wrong, in consideration of the fact that he had sent the usual "present." The inspector's eyes goggled.

"You did!" he exclaimed. "Why, the double-crossin' — — — —!" And he dashed out. The violations were promptly removed.

All of this paraphernalia of the shake-down originated in the praiseworthy desire, but ill-advised efforts, of public-spirited folk to provide safe and healthy buildings, and working and living conditions, for others. But our incurable passion for maladroit legislation always leads us astray. Instead of using broad common sense, we put into the hands of racketeers the power to weave endless nets of fine-spun minutiae. We even arranged things so conveniently for a gang of racketeers in Queensborough, New York City, that they could lay down rules prescribing exactly how sewer-piping must be locked together, so that only a certain patented type of sewer-pipe could be used. The Borough President went to jail over that racket, but we have made no essential change in the machinery. There is a "reform" administration in Queens as this is written, and in the current investigation of New York City rackets the smell of that borough is quite as unmistakable as ever.

By these methods we make temptation as strong as possible; and men, being still somewhat imperfect, al-

most always fall. An engineer of the Dock Department committed suicide rather than answer the questions of investigators. A grafting inspector of meat-markets was found with the gas turned on. Several engineers of the building department became fugitives from interrogation, and the former head of the Fire Prevention Bureau — a veterinary surgeon — was declared in contempt of court because he would not tell what had become of two million dollars in fees, which he had collected because of his unfailing skill in getting building matters through the Board of Standards and Appeals. And so it goes; and the surface is not scratched, nor is the real evil attacked.

Out of every such investigation come more laws, whereas it should be obvious to a moron that the principal evil is too many laws.

If a saloon makes itself objectionable, it can be closed as a public nuisance. This is, and always was, the law, and it is all the law that is needed to regulate the liquor traffic. Of course, it is impossible to stop drinking by law, just as it is impossible to stop fornication by law. Soliciting on the streets may be disorderly conduct, but in point of fact it seldom is. This writer, who is disgustingly timid, has so far always managed to control his panic when a passing girl has lifted her eyebrows at him, and he has never once called upon the police department, or the Committee of Fourteen, for protection. Houses of prostitution are also public nuisances, if they advertise their presence to the neighbors. Consequently, they are generally so discreetly located and conducted that no one who is not looking for such a place would ever find one. This writer wanders around New York City to a certain extent, but he does not

know, and has not known in years, the location or address of a single house of prostitution, although he is assured on unimpeachable authority that there are plenty of them in the city.

These places are not attacked from that angle. If a lady is entertaining gentlemen visitors for pay, in a house containing three or more families, she can be haled into court charged with a violation of some cock-nosed provision of the Tenement House Law; but if she is practising her profession in a two-family house, the law does not apply. The idea seems to be that if she limits her corroding influence to one family at a time, there is no objection. But she must not pollute two or more families at once. If there is a disposition to surmise that this writer invented this bit of "law" by way of a pleasantry, he is being given much too high a rating as a humorist. He never thought of anything half so funny in his life.

Instead of simply decreeing that no building which is not safe and sanitary can be occupied, we have a mass of regulations telling all and sundry in exact detail precisely *how to build* a safe and sanitary building. This is manifestly none of the business of the law, and it is amazingly fecund of rackets.

No one who is not skilled should be allowed to drive an automobile; and if he is guilty of reckless driving, he should never be allowed to drive again. That is a reasonable provision for the safety of all concerned. But nearly every community in the country has a different system of minute regulations, designed to bring about careful driving. Of course they fail, but much is added to the income of the police. Speed laws are most common, it never having occurred to the majority of

law-makers that a man may be driving safely and carefully at seventy miles an hour, and be driving with criminal recklessness at seven miles an hour. Probably not one man in five who drives a car in the metropolitan area but has paid from two to twenty dollars to a policeman to be spared the nuisance of appearing in some remote magistrate's court on a speeding charge, whether he was guilty or not. It is a regular racket on the main roads leading out of the city. Across the Connecticut line the racket is not so prosperous, because Connecticut has simply a law against reckless driving.

Not infrequently our meticulous care for the morals of our neighbors leads to a farcical overlapping of moralistic legislation. In New York there is a motion picture censorship board charged with the duty of seeing that nothing appears on the screen, the sight of which might have an unfortunate effect on pregnant women. At least, this writer got that impression in conversation with a censor some years ago; and as the censor was a man, and had probably never been an expectant mother himself, his status as an authority on suitable entertainment was open to reasonable question. But, at any rate, the measuring rod he had thus constructed was of first excellence in keeping the cinema drama pure and blameless.

At the same time, however, there is a law forbidding a theatre-owner to admit any person under sixteen years of age to a film performance, unless accompanied by a parent or guardian. So one law orders a theatre-owner not to show a motion picture until it has been officially declared pure, and another law orders him to keep out of his theatre a large number of young people of high school age, lest the officially pure entertainment con-

taminate them without simultaneously contaminating a parent or guardian. It does not seem to make sense. Besides, the theatre-owner is not being paid by any one to act as a policeman.

If all this legalized meddling and prying and regulating were abolished, racketeering would go on just the same, but there would not be such a wide variety of rackets; and there would be a source of some hopeful self-respect in the knowledge that we were not constantly making new laws to aid racketeers. Moreover, a reasonable and sensible man would at all times have some idea as to where he stood in relation to the law. Now no one knows, not even lawyers, although much of this machination is part of the "legal racket." If the word of able judges may be trusted, not one lawyer in a hundred who appears in their courts knows what he is about, aside from getting all the money he can. Even when he is comparatively learned in his profession, he is much more concerned about a successful practice than about social justice. As a wise old observer once remarked, an eminent lawyer rises by three degrees, like an adjective: first, he must get on; then he must get honor; then he must get honest. When he has gained wealth and distinction, he can take up honesty as a hobby.

Johns Hopkins University published, in July, 1931, a study of civil procedure in the New York courts. The findings amounted to another warning to poor men — if more warning were needed — never to go to law under any circumstances. Getting a judgment of two hundred dollars costs more than three quarters of that sum; and then in only one out of five cases does the litigant get what little money is coming to him.



At the same time, there was an investigation of the Women's Court by the judges of the Appellate Division. It developed that a ring of lawyers, Vice Squad policemen, stool pigeons, and bonding agents, centering around a corrupt Deputy Assistant District-Attorney, was systematically pillaging every woman who could be "framed" on charges of violating those fine old laws against prostitution. The policeman sent a stool-pigeon to place the woman in a compromising position. He was always an "unknown man" when the case came up in court. She was locked up and the bonding agent immediately found out how much money she had, or could raise. He informed one of the lawyers. The lawyer then told her that everything could be "fixed" for that amount, if it ran well into three figures. The lawyer, the bonding agent, the stool-pigeon, the policeman, and the prosecuting attorney split the money up according to their standing and deserts. If the woman had no money, she went to the Reformatory for six months. Scores of women were railroaded without even due process of law, and have since been released.

The only pallid gleam of satisfaction in this filthy business was that no magistrates were proved to have been involved in it. The magistrates who most frequently sat in that court either resigned before charges could be brought against them, or were removed on other charges. One of the magistrates who was removed had twice discharged a shop-lifter in the face of all the evidence, which fact was used as the basis for a damage suit against the department store which had caused the arrest of the girl. But when the shop-lifter's attorney discovered that her mother was also a shop-lifter, he dropped the case.

A privately financed anti-vice society, known as the Committee of Fourteen, has been making prostitution its favorite object of suppression for about a quarter of a century, but its agents had no knowledge of what was going on in the Women's Court. In the midst of the exposé the Committee published its twenty-sixth annual report, a large section of which was devoted to apologizing for the fervor with which it had supported and praised the racketeering prosecutor, who had sent innocent women to prison and let prostitutes go free. (One notorious character appeared in court thirteen times on charges of conducting a brothel, and never served a day in prison.) The apology failed to mention the fact that the Committee of Fourteen had been warned long before, by the counsel for a crime-prevention society, that its high opinion of the prosecuting attorney was not shared by all other observers in the Women's Court.

Any one not familiar with the mind of the professional reformer would suppose that the Committee of Fourteen would now disband, and admit that its work had been useless. The nauseating conditions in the Women's Court existed right under the noses of the society's agents, and they knew nothing of it. They have been abolishing prostitution for twenty-six years, and it is now worse than ever. But there is no sign that the Committee of Fourteen feels even a little downhearted. It will go on, serene and undismayed; and it is a sage wager that twenty-six years hence the Committee will be out with another report, explaining that it did not know anything about the shyster lawyers and stool-pigeons and grafting policemen in the Women's

Court, and declaring that vice conditions in New York City are worse than they have ever been before.

These volunteer snooping agencies are not always merely ludicrous or irritating. Their ignorance occasionally leads them into becoming the tools of smart racketeers. The Hip Sing Tong was unable to get a strong foothold in New York's Chinatown — where the On Leong Tong was in full control — until Dr. Parkhurst began his famous vice crusade more than thirty years ago. Then the Hip Sings directed the vice investigators to the "joints" conducted by the On Leongs, until the latter at last cried for mercy and agreed to a division of the territory. The Hip Sings have been flourishing in Chinatown ever since, and they can honestly say that they owe it all to Dr. Parkhurst. The net result is that two gangs of Chinese racketeers are prospering, where there was but one before.

These anti-vice societies are, of course, unofficial "watchmen." Lawyers are officers of the court; and therefore most of their racketeering is legal. If a swindling girl threatens to publish "the letters" unless she is paid five thousand dollars, she can be put in prison for blackmail. But if she is wise enough to retain a lawyer, he can sell the letters to the victim for twenty-five thousand dollars, and it is a "settlement out of court." Bayard Veillier once wrote a play, *Within The Law*, based on this trick.

A notorious firm of shyster lawyers in New York City worked an unusually imaginative and elaborate racket along those lines. They watched the newspapers of inland cities, and presently noted that Mr. A. Schultz,

of Schultz's White Goods Emporium, would be leaving for New York within a few days, to do his spring buying. Somewhere en route Mr. Schultz met a well-dressed and polished young man, "on his way back to Harvard." By the time they had reached New York, the pair were great friends; and, since the young man was not going on to Boston until the following day, they must have dinner and spend the evening together. Greatly to Mr. Schultz's delight, the boy invited a couple of beautiful young girl friends to dine with them — real New York society girls. One of these young ladies proceeded to fall violently in love with Mr. Schultz at first sight. During his three weeks' stay in the city he lived what is colloquially known as the life of Riley. The girl was crazy about him, and there was no sign of the gold-digger about her. Her apartment was paved with champagne, and Mr. Schultz was not allowed to buy her even a little present. It was pure young love — until about six months later when Mr. Schultz received a letter from a firm of lawyers, wanting to know what about making good his promise to marry their client, Miss Gladys Dawson, who was going to have a baby.

Mr. Schultz, having a wife, three children, the presidency of the Chamber of Commerce, a prominent pew in the best Church, and other encumbrances, became at once acutely unhappy. He was willing to do anything within reason to settle the matter. In addition to all these other facts about Mr. Schultz, the lawyers had accurate knowledge of his financial standing, and knew to a dollar how much he could pay. He paid to the last dollar. Meanwhile, the young man from Harvard was calling up Gladys and Maybelle to ask them to dinner

with his great friend, Mr. A. Schmeelck, of the Boobopolis Bazaar, who had just come to New York for the fall buying.

It will be observed that all of this was perfectly legal — excepting the conspiracy, which could not possibly be proved.

Thomas A. Edison once told this writer that he had never “made a nickel as an inventor.”

“Do you mean to say that you never made anything out of the incandescent light, for instance?” the writer asked.

“Not a nickel,” he said. “A man is a fool who tries to make a financial success of being an inventor. There are big corporations who make a regular business of watching new inventions as they come along. The poor inventor racks his brains and adds one improvement after another; and as soon as his device is so nearly perfected that there is no doubt about its commercial value, one of these big fellows steals it from him. What is the poor inventor to do? He has probably put every cent he had into his work. They have plenty of money and the best of lawyers; and long before he has a chance for justice he is worn out in the courts. He hasn’t the time or the money to carry on the fight. In the meantime, they have been manufacturing on a large scale and have captured the market.

“I never made a cent until I got myself strong enough financial backing to manufacture, and fight if necessary.”

It was useless to ask the venerable scientist if any of the excellent lawyers employed by these corporations ever refused to handle such cases, merely because they were obviously plain burglary.

Bankruptcy has always been one of the best of the legal rackets, although the bloom has recently been rubbed off it by the exposure of conditions in some of the Federal courts, and by the decision of one Federal judge to resign rather than face impeachment proceedings.

This racket was quite simple. If a man called a meeting of his creditors and explained that he could pay sixty cents on the dollar, one of the lawyers invariably present at such times filed a petition in involuntary bankruptcy. Another lawyer was appointed receiver. Another was appointed counsel for the receiver. They administered the affairs of the bankrupt concern until there were none left to administer, and the creditors were lucky if they finally collected six cents on the dollar, instead of sixty. Fees and expenses accounted for the other fifty-four cents. There was also an auctioneer in the system, so that when the concern, or any part of its assets, was sold at auction, the crooked auctioneer could be trusted to knock it down to one of the ring for about a fourth or a fifth of its real value.

Receivers were selected from one of three lists. The first, and preferred list, was sent to the judge by the big political boss. The second came from the political leader to whom the judge was directly indebted for his nomination, or appointment. The third, and least important, was the list of the judge's personal friends.

The only noteworthy difference between these legal rackets of today and the systems of "framing" employed by Verres, Chrysogonus, and similar crooks in the law-courts of the Roman Republic, is that the modern methods are usually less bloody. *Jarndyce and*

*Jarndyce* is not a satire of the English Court of Chancery practice in Dickens' time. It is a sort of composite picture of what actually happened in their courts of equity, until the English reformed their entire legal system from end to end. We are still staggering along with the cumbersome relics of the old system, which we inherited from England in colonial days.

Any fair-minded attorney will bear witness that there are honest judges and honest lawyers — many of them. The difficulty is to know how and where to find them. Political affiliation and general background are not trustworthy guides. An ignorant reformer in New York City would begin looking for judicial skulduggery in the Surrogate's Court, which is presided over by James A. Foley, son-in-law of the late Charles F. Murphy, the great Boss of Tammany Hall; whereas the fact is that every decent member of the bar would undoubtedly vote that Surrogate Foley is, in the words of a chronic hater of Tammany Hall, a "lawyer and a gentleman." On the other hand, the Federal judge who resigned rather than face impeachment proceedings in the bankruptcy scandal is a Republican of "good old American stock." The corrupt and unfit magistrates who disappeared from the bench in the investigation conducted by Judge Seabury, a Democrat, were all Democrats. But Judge Seabury was forced to accept the resignation of his own counsel, Isador Kresel, who was indicted in the Bank of United States scandal. As this is written he is awaiting trial on the same charges on which his associates in the bank were convicted of felony.

These political and social and racial labels are meaningless. In this, as in all other fields of public service,



it is invariably a matter of individual integrity and character. Cicero's question was pure rhetoric. There is no way to watch the watchmen.

The wise course is to give the watchman as little as possible to watch.

## THIRTEEN

### A Business or a Racket?

THAT sober and veracious chronicle of current events, *The New Yorker*, recently printed a portrait of a spectacled gentleman with a high, narrow forehead and a Hitler moustache, who is studying with intense concentration what seems to be an elongated firecracker, or one of those diabolical instruments which are the delight of dentists when exploring the inner recesses of a recalcitrant tooth. The letter-press said:

“Visiting expert accountant with the single-haired Japanese brush with which he was able to draw a line at the point where rackets cease to be rackets and become legitimate business.”

At first glance, no such delicacy of technique would seem to be at all necessary. The difference between legitimate business and racketeering is as wide as a law-library. If a gang of racketeers forces a business man to pay a small monthly tribute under threats of damaging the front of his store, or the front of his skull, he is yielding to intimidation. That is racketeering. But if, on the other hand, a group of bigger business men, or bankers, forces him to turn over his whole business in return for a block of doubtful stock, under threats of ruinous competition or curtailment of credit, he is yielding to an “inevitable economic tendency.” That is legitimate business.

The intelligent reader will at once perceive the wide

abyss which divides the one method from the other. This writer, whose intelligence quotient is notoriously low, has sometimes thought that he has noticed points of similarity. For instance, a small business man in New York recently came into court with a complaint that three racketeers, or modern business men, had forced him at the point of a pistol to sign his name to a note, and had then tried to take his store because he refused to meet the obligation. It would seem difficult to determine offhand whether this was a racket or a business transaction.

Nor is this writer singular in his confusion over this question. The Federal prosecutor for the District of Southern New York, Mr. George Z. Medalie, recently confessed that it was becoming increasingly difficult, even for the trained specialist, to tell the difference between a respectable business man engaged in racketeering, and a disreputable racketeer engaged in respectable business. The *New York Times*, July 1, 1931, printed a partial report of a speech delivered by Mr. Medalie at the Institute of Public Affairs of the University of Virginia:

"Mr. Medalie traced the racket from its beginning, the selling of tickets to benefits to small shop keepers through threats of harm if purchases were not made. As a result of this, he said, gangs arose which, for a fee, would protect the shop keepers from violence. It is really from the protection idea that racketeering grew, he said.

"The next step, he said, was the hiring of gangsters by legitimate business men to harass price-cutting rivals, and this was followed by employers hiring gangsters to

terrorize striking employees. The result, he continued, was for gangsters to set up a permanent racket in the industry."

Mr. Medalie has some of his processes of racketeer growth reversed, but point is given to his state of mind by the fact that while the District Attorney of Bronx County, New York, was energetically prosecuting a group of legitimate business men who were charged with price-fixing and extortion in the handling of flour shipments, Mr. Medalie was in a Federal court accepting a plea of guilty and a fine of fifteen thousand dollars from the New York Central Railroad, which had been violating the Federal law by granting rebates to some of these same flour shippers. The officers and directors of the railroad are racketeers of the highest standing and respectability, and are probably not on speaking terms with the law-abiding plug-uglies pursued by the state prosecutor. All of which makes it very confusing.

Price fixing, or "stabilization," one of the greatest baits the racketeer has to offer, is always illegal; but "practical railroad men have been long aware," says Professor William Z. Ripley, in the *New York Times*, April 5, 1931, "that the pegged price of steel rails at \$43, was an artificial set-up, quite out of line with competitive prices, both as to its peggedness and as respects the figure at which it has been set." While rails have been pegged at that price since 1923, steel beams have declined more than a third. The Department of Justice announced that it was looking into this matter, and the Interstate Commerce Commission promised to investigate fuel contracts, and repairs contracts, and the general machinery of railroad racketeering, which runs

the operating costs of the railroads up to ludicrous figures. The saps pay. For railroad rates are based on a fair return over operating costs and interest charges.

About twenty years ago, Mr. Louis D. Brandeis, now a Justice of the Supreme Court, said that the railroads were wasting a million dollars a day, and one of the mildest epithets applied to him was "anarchist." A few years later, the press agent of the railroads proudly announced that operating economies of three hundred and twelve million dollars had been effected within the preceding year. Mr. Brandeis was wrong. Mismanagement and dishonesty, legal and illegal, in the railroad racket are costing the public probably nearer to three million dollars a day than one million.

Much of this railroad graft is legitimate, and nowhere is the man with the single-haired Japanese brush more urgently needed to draw the line between business and racketeering. The same is true of the laundry business, a brief study of which repays the investigator of these phenomena.

Before there can be a laundry, there must be shirts. The textile manufacturer, in all but a few very high-grade lines, enjoys a monopoly under the high tariff. Having no foreign competition to fear, he can "stretch" cloth in manufacturing, and use dyes guaranteed to turn pale and run at the sight of a wash-tub. This would seem to be legitimate business. The manufacturer of the shirt, and retailer thereof, are paying anywhere from five to fifteen different kinds of racket money, all of which is added to the selling price. The shirt is bought and goes through a laundry, which is a member of a "protective association," organized by business men or racketeers, and is therefore required to charge twice as

much for laundering the shirt as the job is worth. The laundering process brings to a head the net result to the consumer of this pyramid of legitimate business and racketeering. He pays two or three prices for a shirt which should never have been put on the market at all. It goes to the laundry a nice blue, size sixteen, and comes back a dirty white, size fourteen.

Obviously, the man who is most responsible for this result is the manufacturer of the cloth — the one person who is most clearly within the law, and who enjoys the special favor of the national government. It would seem to be another job for the visiting accountant with the single-haired brush. The suggestion that all concerned be wrapped tightly in "stretched" cloth and dropped into a very deep tank of cheap dye, on the theory that those with the heavier weight of guilt will be first to sink, has been rejected as unscientific, and smacking of the "ordeals" of the Middle Ages — for which this writer begins to believe there is a good deal to be said.

It may be remembered that Crassus bought up a large part of the city of Rome, by being on the spot to purchase houses which were in flames; and that no one thought it strange that he should evidently have had some sort of private fire-alarm system. Something of a similar nature has developed in New York. A favorite method of teaching a merchant that he had better buy protection, including plate-glass window insurance, is to heave a rock through his window. Lately, the authorities have been noticing that representatives of insurance companies are among the first to arrive on the scene of the shattered glass. This is making the authorities thoughtful, though no one questions the fact that insurance is a legitimate business. The "night

patrol" racket is equally legal. No law prevents any gang of rough-necks from offering merchants, and other storekeepers, supplementary police protection. If they think that they do not need this protection, they can look out for their own windows.

In connection with insurance, Alva Johnston, in the *New York Herald Tribune*, May 22, 1931, in the course of a series of conspicuously excellent articles on the minor phases of business racketeering, sketches a pleasing picture:

"The window washers are victimized by an insurance racket, according to Joseph D. Cannon, well-known labor leader, now an official of the Window Cleaners' Protective Union, 217 East Sixth street. District Attorney Crain asserted that there were cases where it was indicated that the protective straps of window cleaners had been tampered with. The mortality from falls is very high in this occupation.

"Although there have been some suspicious deaths, there have been no clear cases of murderous tampering with the protective straps of the cleaners, according to Cannon. He asserted, however, that pressure of various kinds had been brought, to compel cleaners and cleaning firms to take out insurance against death and accident with certain companies.

"He asserted that the New York District Attorney's office had been used to threaten indictments, the purpose of which was to force window cleaners to take out their insurance from companies represented by racketeers. According to Mr. Cannon, the premiums on the insurance of window cleaners in New York aggregated more than \$300,000 a year."

Thus it becomes increasingly difficult to segregate the



sheep from the goats. A man who gives up a hundred dollars to a highwayman is obviously not an accomplice. But a man who gives up a hundred dollars to a highwayman as a retainer for the job of robbing a business rival of a thousand dollars, is an accomplice. And in this unhallowed alliance between business and racketeering, it is constantly growing more difficult to tell whether the business man is the accomplice or the victim or the employer of the plug-ugly. An obscure clerk in the education department of New York City amassed twenty thousand dollars in "presents" from a group of collusive bidders on minor repairs to school buildings. Here the business men were plainly the employers. A man who refused to join a laundrymen's association had his wagons stolen and acid thrown over the lingerie of his customers. Here the business men were the accomplices. A man who refused to pay tribute to a long-shoremen's racket had his trucks wrecked and his employees half-killed. Here the business man was a victim.

This is the reason that, when an honest law officer calls upon business men to come forward with evidence on which he can proceed against rackets and racketeers, he is never trampled in the rush. It is also the reason why a conscientious prosecutor usually feels that he should investigate a volunteer's story before taking him to the Grand Jury room. Otherwise, he may be giving immunity to *Fagin* on the prospect of convicting *Oliver Twist*. And as soon as he begins to investigate the story, there is almost inevitably a "leak" from his office, and a warning to the racketeers involved. This is likely to be fraught with developments of an extremely personal and unpleasant nature for the man who volunteered the information.

When you call on the "director," or "secretary," of a business men's association today, it is impossible to tell whether you are talking to a legitimate business man on his way to be a racketeer, or a racketeer on his way to be a legitimate business man. This haziness about the border-line is widespread, and is one of the little noted reasons why juries so frequently say: "Not guilty."

Within recent months, three heads of trade associations have faced juries in New York City on criminal charges. They are Larry Fay, of the New York Milk Chain Association, Inc.; Antonio Monteforte, of the Plasterers' Information Bureau; and Daniel Richter, of the Five-Borough Flour Trucking Association. An examination of these three cases is revealing.

Fay, as the name of his organization indicates, has been associated with the milk business. The distribution and sale of milk in the metropolitan area has been for years a prolific source of graft and scandal. Some five or six years ago, the secretary to the Health Commissioner was found guilty of accepting bribes to permit the vending of "bootleg" and unfit milk. He had collected about ninety thousand dollars, and he was sent to Sing Sing Prison.

This, of course, had no effect on the racket. The fight for markets among milk jobbers has been as bitter as the fight between beer-hustlers. Cutthroat competition, sabotage, and assault have been the common methods of commercial enterprise in this field. Jobbers undersold each other to the point of reducing the price far below production cost. They gave rebates, directly and indirectly, offering to put in refrigerators for customers, and constantly striving to outdo each other in the invention of similar illegal tricks.

This was an admittedly unhealthy state of affairs for every one. Price-cutting, which does not follow normal economic laws, is of no lasting benefit to the public. It leads to adulteration, corruption, violence, and monopoly. And in the end the public pays more than it would have paid if the business had moved along lines of fair competition.

The milk jobbers might have met this situation by the cumbersome processes of co-operative organization, which would have had the sanction of the law; but these methods are slow, and frequently ineffectual. Into the mess stepped Mr. Fay, a man with courage and organizing ability of a high order, proven in other fields, such as the laundry trade. He began to form an association with the support of many of the jobbers.

Within a short time he had put together a powerful organization. No homicides have ever been suspected in connection with the necessary disciplinary measures. There have been charges of assault, but there has been no evidence to connect Mr. Fay or his lieutenants with these incidents. Dealers who would not come into Mr. Fay's organization found it harder and harder to secure a steady supply of milk. Moreover, some one often dropped a little tablet into each can, with the result that the milk almost instantly turned to clabber. Curiously enough, a city milk inspector frequently happened in just at this time and discovered the sour milk. This might be enough to cost the dealer his license. It was fairly sure to cost him something, anyway.

Peace and order settled down over the milk jobbing business, and the price to the consumer went up a cent a quart. Mr. Fay and sixty others were accused of violating the business laws. They were tried and acquitted, the

trial judge making some bitter remarks about the slipshod manner in which the indictment had been drawn.

The verdict of the jury in this case would seem to prove beyond a doubt that Mr. Fay is a legitimate business man. Shortly after his acquittal he announced, according to the *New York Times*, March 31, 1931, that he had gone into a new line of business. He was organizing the Taxicab Workers' Union, Inc. His aim is to improve the working and living conditions of taxi-drivers and garage workers. They pay one dollar a month, and Mr. Fay announced that he had already enrolled more than five thousand. He "hopes to have all 70,000 taxi workers" in his union — an enrollment which would yield an income of seventy thousand dollars a month. Of course, no taxi-driver is compelled to join. It is a matter of choice. He may have more than his share of fights and accidents, but that is to be expected when a man is operating alone and without backing. In union there is strength.

Before passing on to the next exhibit of this trio, mention should be made of the fact that great corporations, such as the big milk companies, engaged in wholesale and retail distribution, are but little affected, as a rule, by the operation of outside racketeers. They have their own methods. When this writer once tried to buy a bottle of milk from a small storekeeper on the Boston Post Road, he was told that there was none.

"I got down too late this morning," the proprietor explained. It was impossible to see what his tardiness of arrival had to do with the milk supply. He explained further. He bought his milk from a small and excellent local dairy, the bottles being left at the door of his store in the early morning. If he failed to arrive at his place

of business before the driver of one of the big companies' wagons passed by, it was this driver's custom to steal the milk. The storekeeper was not making a complaint; he was merely explaining what seemed to him to be a perfectly natural feature of commercial warfare. The object, of course, was to force him to buy milk from the big company.

Antonio Monteforte made a large fortune during the building boom in the Bronx, because he had organizing ability and a dominating personality. His first move was to get hold of one Michael McCluskey, who was delegate in charge of the union plasterers in that borough. He showed McCluskey how simple it would be for both of them to become rich. Monteforte called on a contractor and suggested that it would be worth so much to him, the contractor, to have the work on his buildings expedited. If the contractor did not think it was worth so much, the work was not only not expedited, but it was not done at all. McCluskey "called the men off the job." After the beginning this drastic course was seldom necessary. The contractors soon realized that they must pay Monteforte in order to keep McCluskey's plasterers at work.

Up to this point the racket is quite old, as old as the corruption of labor leaders. But Monteforte was a business man. He organized his "information bureau" — a price-fixing center; and, using the same club when necessary, he forced all of the contractors into the system. Once they were in, they were quite glad to be there. All contracts for plastering jobs were filed in Monteforte's bureau. In fact, they were made there. Monteforte decided who was to get each job, and how much was to be paid. It was brought out in his trial

that in one instance, a contractor estimated that he could make a fat profit at ninety thousand dollars. Monteforte told him to put in a bid of a hundred and twenty-five thousand. He got the job, and the extra thirty-five thousand dollars. Monteforte charged a fee of one percent of all contracts, but in practice his rake-off ran much higher.

Under these circumstances it is a matter of marvel that the District Attorney of Bronx County was able to secure the indictment and conviction of Monteforte. It may be stated here that the securing of the evidence was a long and discouraging business. Naturally, no one connected with the racket wanted it exposed and broken up, and the prosecutor was driven at times to extra-legal methods. But at last he succeeded, and Monteforte was sentenced to Sing Sing Prison for from seven to fifteen years. He had made \$1,300,000 — of which records were found. McCluskey was also convicted. None of the contractors was indicted; and the building rackets in the Bronx are flourishing.

The verdict of the jury in this case would seem to establish conclusively that Monteforte was a racketeer, and not a legitimate business man. By the way, he never used violence at all. The presence of four or five plug-ulgies in his train may have constituted so plain a threat that violence was unnecessary.

Daniel Richter began life as a third-rate pugilist, but his brain was too good for that sort of thing. He saved his money, and went into the flour-trucking business in a small way; and presently he began to see the flour-trucking business in a big way. Approximately ten million barrels of flour are handled in New York City each year. If any man could get all the flour truckers into an

association, raise the delivery rates a few cents a barrel, and keep a cent or so for himself, he would have a yearly income running well into six figures. This was Richter's vision, and he was no idle dreamer. He went to work with brisk determination. First, he formed the New York and Brooklyn Flour Trucking Association, and put in a friend as manager. This friend was a thrice-convicted criminal named Matthew Cantwell, whose police record bristles with references to homicide, burglary, grand larceny, and similar peccadilloes. The solid and substantial citizens who were the heads of big trucking companies saw no reason to inquire into the social status of the man from whom they were taking orders, so long as his orders were increasing their profits.

And the profits increased. Richter announced a raise of fifteen cents a barrel in the cost of trucking a barrel of flour, thus adding an item of \$1,500,000 to the bread bill of New York City. A number of the flour jobbers would not pay the increase. They soon discovered that they could not get any flour. This left no doubt as to the power and solidity of Richter's organization; and the jobbers at once decided that here was a man after their own heart.

Practically at their own invitation, Richter began pulling the jobbers into his organization; then they could, without fear of competition, raise the price to the bakers in the face of a falling flour market. The cost of hauling a barrel of flour was raised from twenty-five to fifty cents over the previous charges, and the jobbers raised the price of flour accordingly — and then a little more. Exactly how much of this loot went in fees to the office of Richter's association cannot be known. It



was testified that he got at least a cent a barrel from the truckers and two cents a barrel from the jobbers.

It must be born in mind that this three hundred thousand dollars a year was money fairly earned. A chain of stores in Brooklyn cut the price of bread and rolls in half, thus passing on to their customers some of the benefits of the demoralized wheat market. The baker who supplied these stores was ordered to quit. When he refused, he found that he literally could not get any flour. The chain stores went back to the old prices, the baker found that he was again able to purchase flour, and every one was happy excepting the consumer. There is no evidence that Richter had anything to do with this series of events.

A trucker in Brooklyn, whose name was Green, broke away from Richter's organization; and, by a curious coincidence, he was shortly thereafter made the subject of some murderous work with iron bars in the hands of professional sluggers. He captured one of these thugs, who proved to have a criminal record. The whole affair irritated the trucker to such a degree that he sought the office of the Attorney-General of New York state, then conducting a general investigation, and told everything he knew in a public hearing. What he knew was quite a great deal. His story was the immediate concern of Federal, state, and county authorities. They all shook their heads and said it was quite dreadful. Green was so disgusted that he went back and made peace with Richter, and he has behaved himself ever since.

Shortly after this little flurry, the members of Richter's association had dinner at one of New York's swagger hotels. They were addressed by a Deputy Attorney-General of the State and by a prominent member of

Congress. Richter also spoke, pointing proudly to his "complete vindication."

The only local public servant who was not satisfied that Richter and his men were as white as flour was this same cantankerous District Attorney of Bronx County — George B. McLaughlin — who will probably suffer in the current reform wave, since he is a member of the Democratic organization which must be smashed. Moreover, he is obviously unfit for office, inasmuch as he is afflicted with a curious form of astigmatism which causes him to mistake a pure and legitimate business for a nefarious racket. Even the presence of a Republican Deputy Attorney-General at Richter's dinner did not convince Mr. McLaughlin that all was well with the flour business. He had to have his lesson. He set to work and brought about the indictment of Richter, Cantwell, a man named Schneider in Richter's organization, and a Daniel Bucholter, alias Lopke, who was a sort of deputy chief slugger for Cantwell. They were, of course, all admitted to bail. Cantwell and Bucholter took counsel, and decided that it would be inexpedient for them to put Mr. McLaughlin to the trouble of bringing them to trial. They vanished into the great outdoors, and have never been heard of since. Richter and Schneider were tried and acquitted.

The vindication was now certainly complete, and there can no longer be any reasonable doubt that Richter is a legitimate business man. It was while this trial was in progress that the New York Central Railroad pleaded guilty to racketeering in the flour business, in the matter of giving rebates to favored shippers. This is an older method of crushing an unfavored competitor. There was never any intimation that Richter had

jeopardized his business standing and reputation by association with these railroad crooks.

Parenthetically, this is a good place to dispose of the soothing unction that most of our racketeering troubles today are due to a particular class of immigrants, or to immigration in general. Of these three men, two successful business men and one racketeer, one is of Irish extraction, one of Italian, and one of German. Add the Jews, and these were the four great waves of immigration of the past century. It would be impossible to select four Western peoples differing more widely in racial traditions and characteristics. Yet all four have produced thugs, gunmen, racketeers, and prostitutes; just as they have produced statesmen and soldiers, great judges and reformers. The Germans at home were almost disgustingly law-abiding, but many of them quickly got over it under our influences. The Irish have, statistically, by far the highest standing in domestic virtue of all the peoples of Europe; yet at one time the Irish furnished the majority of the prostitutes of New York City. The Jews are less given to crimes of violence than any other people with whom we come into contact (although it would not be suspected from a reading of the Old Testament); yet the Jews have supplied a large proportion of the professional killers of New York in the past generation.

These racial designations are here used for the purposes of identification, rather than of description. These people are, in fact, all Americans, and behaving as such. They have embraced with ardor the spirit of the Pilgrim Fathers. In their dealings with each other, racketeers follow with inexorable sternness the old Puritan tradition of "an eye for an eye and a tooth for a tooth." In

their dealings with others, they follow the equally inviolate old Puritan commandment, "Never give a sucker a break." From the day that the Pilgrim Fathers double-crossed and slaughtered the Indians who had fed them when they were starving — and then went on to the manufacture of wooden nutmegs — down to the present day, we have an unbroken national tradition of cheating tradesmen and crooked politicians and ruthless racketeers. That is why we find it so easy to Americanize other peoples, because all other peoples have much of this in their history, and in individual character. They fit into our social organization without strain, and with great enthusiasm. In the pure air of the Republic, their latent talents for racketeering unfold like the opening rose.

Following in the footsteps of the early Americans the young men of these races formed social organizations. These were first used by crooked politicians as sluggers at the polls. Then felonious business men hired them to poison the horses, and wreck the wagons, and ruin the stock, of competitors. Industrialists employed them to hammer into ignorant workers the knowledge that America is a land of opportunity. Being real Americans, they have developed wider and wider vision as to the possibilities of racketeering, until now they are taking actual control of many lines of legitimate business.

This is why there has recently been a good deal of concern about racketeering among "honest business men." When they began hiring gunmen, they did not bargain for having to turn their whole business, or the control of their business, over to these mercenaries. No one who hires thugs ever expects this development. Yet that is what usually happens. There is no record that the

Viscontis of Milan were highly gratified when their hired killer, Francesco Sforza, declared himself Duke of Milan. They probably did not like it at all, and certainly had nothing of the sort in mind when they employed the first *Condottiere*. When the business men of Italy paid the Fascist thugs to kill off labor leaders and wreck co-operatives, they did not foresee that these racketeers would be telling them how to run their business, and making of Italy a national racket. And the whole of that chapter is not yet written by any means.

When the purchasing agent of a corporation accepts a "present" of a few thousand dollars from a supply house with which he has just signed a contract, he is just as much of a racketeer as the salesman who bribes a buyer to take his goods. These practices run all through our business world. New York state has just passed a law making this kind of "business tipping" a misdemeanor. Of course, the law cannot be enforced and is obviously one more opening for racketeering.

The New York State Crime Commission estimates that rackets in New York City alone are costing at least \$200,000,000 a year, and perhaps thrice that sum. This is, of course, exclusive of the booze racket and vice exploitation, and covers only "legitimate business" rackets.

Estimates of the national bill for racketeering run all the way from twelve billion to twenty billion dollars. This does not include the annual five hundred million dollar stock frauds, the five hundred million dollar merchandising frauds, the two hundred and sixty-five million dollar credit frauds and the hundred million dollar real-estate frauds. The real-estate men are lagging behind even the clumsy highwaymen and

similar undisguised robbers, who collect only about two hundred and fifty million dollars annually. These last, by the way, furnish the material for "crime waves," which serve to divert public attention from the real big-money thieves.

There are now rackets in every business from Christmas trees to cantilever bridges. Almost everything that is manufactured or moved must pay parasitical tribute somewhere along the line. For years a gang of racketeers have owned the docks of New York City, charging three cents a hundredweight for all goods removed from those terminals. They have no right to be there at all. They are really trespassers. But there they are; and the merchant pays or he does not get his goods.

And the more a racket grows and spreads the more nearly it becomes a legitimate business. The more a racketeer prospers, the more he resembles a legitimate business man. And the number of apprentice racketeers increases to meet the demand. It is idle to suggest that settled business men do their own killing and slugging and sabotaging of rivals, or of striking employees. They have not the time, nor the skill, nor usually the courage. The slugger who graduates into an "organizer," or the head of a business, finds it necessary to hire other men to do his dirty work. He is a business man — or is he a racketeer?

Perhaps the visiting accountant with the single-haired Japanese brush is, after all, the only one capable of drawing the line.

## Repudiation of Reformers

ALONG about the turn of the century, when New York City was in the throes of one of its periodical reform spasms, a gentleman named E. W. Townsend produced a book called *Chimmie Fadden*, which this writer has not at hand, and therefore cannot quote to the letter. *Chimmie* asks a young man-about-town what is all this talk about reform, and what is a reformer. With *Chimmie's* dialect eliminated, the reply is approximately in these words:

"A reformer, James, is a man who is for reform when he's out, and for politics when he's in. That's why he's in so seldom."

This is an excellent definition in a limited sense; but like most generalizations, it errs in trying to cover too much territory. It describes only one of three well-known types of reformer — the reformer who is consciously, or subconsciously, a knave. There is also the reformer who is an ignoramus, and the reformer who is a "menace."

None of these classifications, of course, includes dependable public servants, such as Alfred E. Smith, Senator La Follette, (or more especially his late father) or Franklin D. Roosevelt, to name the first that come to mind. These men are not reformers at all. They are simply practical politicians with a high sense of civic duty and of personal honor. They have no plans for, or



hopes of, the regeneration of mankind. They deal with specific evils, with things that can be weighed and handled; and they find the evil of the hour sufficient to employ them. They count that day well-spent when they have, in some measure, protected from the raids of big and little racketeers the lives and the pocketbooks and the personal liberties of the saps.

The reformer who is a "menace" seldom goes very far and need not be considered at length. As a rule, he is crucified or blackjacked or hanged or thrown into prison, because he has an idea; and we can never be sure when an idea will not prove to be dangerous. Usually, these reformers are mild and saint-like persons, such as Eugene V. Debs or Mahatma Gandhi, glowing with the dream that some economic or social elixir will wash us and we shall be whiter than snow. The world would be spiritually poorer, even than it is, without them and their invincible faith.

The ignorant and the corrupt reformer frequently overlap; and they form the largest and best known class. In this connection it must be understood that the passing of money from hand to hand is one of the cheapest and lowest forms of corruption, and cannot be employed at all with the general run of big public servants. But there are other, more insidious and deadly, ways of gaining the same end. A man who would run to the Grand Jury at the hint of bribe, may not realize that he is being bribed just as thoroughly by the hint of higher political preferment to come. Another may fall through the unselfish desire to promote the well-being of friends and family. The love of a woman and the social ambitions of a wife have plenty of wrecks to their credit. And so it goes.

During one of the last reform administrations in New York City, an eminent lawyer who had taken part in bringing about the reform gave way to soulful profanity in discussing with this writer certain negotiations between the city and the New York Central Railroad. Among other blasphemies, he swore that he would be-this-and-that if he did not vote the Tammany ticket for the rest of his life.

"We know that Tammany will graft and take a certain percentage of everything it can lay hands on," he continued. "We can allow for that, and know where we stand. You know about how much Tammany will steal, but you can never tell what these triple-asterisked and five-dashed fools are going to *give* away."

When a community like New York City prefers "writhing in the grip of the Tiger" about five-sixths of the time, there must be some good reason, or reasons, for it. This is one of them. Tammany seldom gives anything away, excepting to the poor. Some of our best people and cleanest newspapers carried on for years an organized propaganda to give an increase of fare to the unspeakable rapid transit corporations of the city. Tammany stood out, and still stands out, successfully, for a five-cent fare. If the subways cannot be operated profitably on that basis, it is too bad; but the money will have to be found elsewhere than in the pockets of the poor, where an increase of fifteen or twenty cents a day in the family carfare means something. Reformers do not think about these things, save at election time. Tammany district leaders and precinct captains think about them all the time.

As this is written, another investigation of corruption in the city government of New York is going forward.

Publicists, and preachers, and reformers generally are spouting the old slogans; we must "crush the machine," and "smash the system" — and so on. They talk about this old political organization as if it were made up of pulleys and wheels, as if all one had to do were to go to work on it with the sledge-hammer of purity, and it would be wrecked forever. It is not so simple as that. A perennially successful political organization like Tammany is not a machine or a system. It is a growth, and the tentacles of its roots are deep in the lives and hearts of thousands and thousands of voters and their families. This growth, all the way down to the smallest fibre, is made up of individuals; so if we are not attacking individuals, we might as well save our energy.

It is this character of growth which enables the city organization of the Democratic party to deliver unfailingly its immense vote at every election. It is what politicians call "constituency;" and without it, any political organization, no matter how high its purpose or how great its present success, is a vanishing bubble.

There is nothing abstruse or deeply sinister about the building up of this unfailing political following. It is the slow patient work of generations, and the basis of it is service — instant, intimate, understanding, and kindly aid in the hour of trouble. The warm-hearted and unquestioning help that neighbor gave neighbor, in the days when there were neighbors — that is what the "popular Tammany leader" gives to the people of his district; and that is what makes him popular.

Is little Johnny arrested for truancy? Has Mamie been "framed" by Vice Squad degenerates? Is Eddie in line for a Civil Service job? Has unexpected calamity suddenly overtaken the family budget? The Tammany

district leader is the man to see. He will fix things, somehow; or if he fails, it will not be through lack of effort. There are no "application blanks" to be filled out. He does not want to know if papa drinks, or what Eddie does with his money, or where mother's grandfather was born, and why, or whether great-aunt Mary had tuberculosis on the distaff side, or how many siblings of Cousin Jane's are cross-eyed. He does not hope that this will be a lesson to them, nor point out that a lot of well-nourished social workers have proved — on paper — that a family of that size can get along on \$23.19 per week, providing mother buys a sewing machine and makes all the clothing for the children, and goes naked herself. He does not even care whether they are Democrats, or Republicans, or Socialists, or what not. He gets down to the instant need of things and pulls them out of trouble. And he says he is glad to do it, and to call on him again if they need any more help. And they believe him — and they go and vote the Tammany ticket.

What is the use of telling this family that their benefactor accepted a "present" of \$10,000 from a man he had had appointed to the magistracy? They know that the money which averted their own disaster had to come from somewhere; and they can read in the newspapers every day that crooks ten times more contemptible have gotten away with a thousand times as much, and have gone unwhipped of justice. Perhaps these last have contributed conscience money to the funds of some "organized charity," whose snooty workers are the pet hatred of the poor. "The load of their loveless pity is worse than the ancient wrongs."

In the spring of 1931, a clerk in a municipal employ-

ment agency was accused of sending applicants for work to a Tammany leader. He was doubtless guilty; and it is equally certain that the applicants so shunted got better jobs, with less worry and humiliation. In the midst of the current depression, an Irish alderman named Moriarity distributed unleavened bread to hundreds of Jewish families in his district, so that they might keep the Feast of the Passover. This will not cost him any votes.

A woman co-leader of Tammany, Miss Ada Mathews, caused a mild sensation by coming out in a public speech with a frank defense of Tammany's methods of raising money. She said that every one knew that the expenses of any political organization were terrific, that this money had to be raised in some way, and that a man who profited by political influence to get a fat job and did not make a contribution was a "rotter." Miss Mathews thus once more demonstrated woman's unfitness for politics. The truth she spoke, which has been whispered or ignored by generations of men, was bawled out loud in the columns of the press. This is not done. There are amenities.

Hundreds of thousands of dollars in Liberty Bonds found their way from the treasury of the Continental Trading Company into the national treasury of the Republican party, to plug up a gaping hole left by the immense expenditures of a national election. Some of the organizers of this company are still fugitives from interrogation, and the Supreme Court of the United States declared that the company had been formed "for some illegitimate purpose." The Court could hardly have had this purpose in mind, because every politician knows that this sort of thing is necessary. It costs mil-

lions of dollars to run a national political party with any hope of success, and the money has to come from somewhere. Inevitably, the bulk of it comes from those who profit by the favors of the party which is thus financed.

It is not the business of politicians to inquire too narrowly into these matters. The investigation of the Women's Court brought out the fact that a lodging-house keeper had been "framed" by two of the Vice Squad, and her business threatened with ruin. She appealed to the Tammany leader of her district, a veteran named Hines. He immediately procured a lawyer for her, without cost, and assured her of his support. The case was dismissed, and it was evident that the two policemen were a pair of crooks, practising a time-honored shake-down. But Mr. Hines did not feel it incumbent upon him to press the matter and expose the policemen. Next day he might have to ask a favor of the police.

Another Tammany leader, named Brown, who was asked to use his influence with a magistrate in a matter of an assault and battery case, told the investigators quite frankly that he considered it his "civic duty" to respond to an appeal of this sort. He received nothing for it; he did not know whether those in trouble were Democrats or Republicans. He merely hoped that he was doing a good turn for his party, and that, in the next election, they would be Democrats. They doubtless will be. Of course, he did not consider it his civic duty to point out that certain magistrates could be approached in matters of this kind.

Similarly, it was brought out in the Congressional investigation that when Mr. Will Hays found these Lib-

erty Bonds of the Continental Trading Company in his possession, he considered it expedient to sell them and deposit the money, rather than deposit the bonds themselves, to the credit of the Republican party. Among others approached was Mr. Mellon, the Secretary of the Treasury. He was asked to buy a large block of the bonds. He declined to accept the bonds, but gave Mr. Hays a check for \$50,000 as his contribution toward making up the deficit in the party treasury.

Mr. Mellon knew, of course, that Liberty Bonds are the same thing as cash, and there is no reason why any one should not put them into his bank. Any bank will accept them as a cash deposit. But there was evidently some reason why Mr. Hays did not want to follow this obvious course. Mr. Mellon did not ask him what the reason was. He has been in politics for a long time, and he saw no reason why he should annoy the chairman of his party with questions. He simply refused to touch the bonds himself, preferring to give \$50,000 outright.

Neither Mr. Hines nor Mr. Mellon felt it to be a "civic duty" to rush into print with the demand that there be an investigation of the circumstances under which an innocent woman could be charged with conducting a house of ill-fame, or the chairman of a great political party could not deposit Liberty Bonds to the credit of the party treasury. Neither was concerned as a public officer. Each was simply doing his duty by his party.

It is necessary to expand this point in order to avoid the capital military blunder of misjudging the character and strength of the enemy. The reformer in politics is too much like the realist in fiction: neither deals with realities. The realist in fiction delves into Krafft-Ebing



and Karl Marx and says: "Lo! Here is American life as it is!" — ignoring the tales of *Cinderella* and *Beauty and the Beast* and the *Midas* touch which fill the daily newspapers, and are the truths of correspondence in the lives of the people. Similarly, the reformer in politics reads Washington's *Farewell Address* and Lincoln's *Gettysburg Speech*, and similar campaign documents of by-gone political situations, and says, "Lo! Here is the American Spirit as it is!" — ignoring the fact that racketeers rule the land, generally unrebuked even by juries, and that those periodicals which have the greatest and firmest circulations have for decades exalted the great bandits of commerce and finance. "In God We Trust," has long since given way to "It's all right if you get away with it."

If there is any doubt that this is the attitude of the American people, a superficial study of the oil scandal in Harding's administration should remove it. The historian of the future will come to a full stop when he reaches this point. Only the disciples of the great Plutarch, who knew that history was an art and not a science, will be able to interpret for future generations that incredible chapter in the annals of the Republic.

It is not the scandal itself, with its revelations of appalling corruption in our national life, which will give the historian pause. It is the sequel. For bribes of a few hundred thousand dollars, the Secretary of the Interior handed over to a group of oil interests public property worth hundreds of millions of dollars. He was indicted. The Supreme Court of the United States almost descended to the language of the stump-speaker in seeking for epithets to describe this transaction as fraudulent and void. Concurrently, the Attorney-General of the

United States was indicted, and the Secretary of the Navy found it convenient to resign. The Alien Property Custodian and the head of the Veterans' Bureau were convicted of peculations in office. It was a general orgy of graft — the worst scandal in the history of the nation since the *Credit Mobilier*.

There, however, the similarity between the two scandals ends. Following the *Credit Mobilier*, and the other exposed evidences of corruption in Grant's administration, the Republican party was defeated at the polls, and the Democrat, Tilden, was elected. By a brazen piece of banditry, the electoral votes of two southern states re-admitted into the Union were taken from the Democratic and put into the Republican column, and Hayes was declared elected.

Nothing of this sort was necessary in 1924. Secretary Fall, of the Interior, and Edward L. Doheny, one of the oil magnates involved, were tried on charges of conspiracy, and acquitted, despite the language of the Supreme Court. Solemn editorials appeared questioning the value of the jury system. But the jury knew what it was doing. A national speaker of the Republican party went into Maine in the 1923 election and sounded the key-note. This was that only three out of ten Cabinet officers had been found unfit for service, and therefore the Republican party was seventy percent pure. This view was endorsed by the voters of the land.

Any student of history, coming to this period in its historical sequence, would be inclined to take it for granted that the Republican party was crushed and eliminated in the 1924 elections. With three proved criminals out of five men of Cabinet rank, and one barely acquitted of criminal charges, the historian would

be justified in assuming that this would be the death warrant of the Party.

What happened was that Calvin Coolidge, elected Vice-President with Harding and becoming President on the latter's death in office, was overwhelmingly re-elected President of the United States. A jury convicted Fall of taking a bribe of one hundred thousand dollars from Edward L. Doheny, but Doheny had been acquitted of giving Fall a bribe of one hundred thousand dollars. Doheny is a very wealthy man; he is, or was, a Democrat, though in 1920 he contributed to the campaign funds of both the Republican and Democratic parties. Harry F. Sinclair, another wealthy oil man, was also acquitted of bribing Fall.

Aside from Vice-President Coolidge, there were three men of great prominence and probity in the Harding Cabinet. They were Charles E. Hughes, Secretary of State; Andrew J. Mellon, Secretary of the Treasury; and Herbert Hoover, Secretary of Commerce. Never by public word or gesture did one of these four men give any official sign that he disapproved of this wholesale looting of the nation's wealth. Mr. Hoover most nearly approached it nine years later when he mentioned, at the dedication of the Harding Memorial, the fact that treacherous friends had broken the dead President's heart.

No one supposes that, in truth, these men felt anything personally save the most thorough disgust with the whole rotten business. But that is beside the point. The remarkable fact is that their failure publicly to dissociate themselves from this corruption, which would in many eras of the past have been construed as an endorsement of it, had none but the happiest effect

on their political fortunes. Following Mr. Coolidge, the people overwhelmingly elected Mr. Hoover to the Presidency. Mr. Hughes became Chief Justice of the Supreme Court with the approval of the Senate; and Mr. Mellon is still Secretary of the Treasury. They hold three of the most important positions in the national government, with the entire approval of the great majority of the people.

The obvious truth is that the American people were not nearly so indignant over the oil scandals as the reformers thought they were. If they had been, Senator Thomas J. Walsh, the incorruptible investigator who brought the whole mess to light, would have been a popular hero. He was Chairman of the Democratic National Convention in 1924, and was hardly mentioned as a possible candidate for the Presidency. Since then he has dropped back into his old solid and inconspicuous service in the Senate.

In effect, the people endorsed the verdicts of the juries who acquitted Doheny and Sinclair, and convicted Fall on the same evidence. Fall was not convicted because, in the language of the Supreme Court, he was a "faithless public servant." He was convicted because he was a "cheap piker." The maxim of the racketeer — "you can't convict a million dollars" — is not solely concerned with the power of money to corrupt justice, and to purchase the weary and interminable dodges of judicial procedure. There is a certain respect for a man who has stolen a million dollars. Doheny was trying to grab hundreds of millions. The feeling was that "you couldn't blame him for trying." Fall, on the other hand, sold out for a paltry hundred thousand dollars. If he had made Doheny put down ten million dollars in cash

there would probably have been another sequel to the investigation. In the American psychology, pillaging on a grand scale is commendable; petty thievery is contemptible. It is the old pioneer spirit coming into fruition.

As this is written New York City is again watching the entertainment of the "stink investigating the stench" — that is to say, a committee of a Republican legislature, which has been trying for years to overrule a Democratic governor and give away priceless water-power rights to private interests, and which has refused to pass laws protecting the savings of the poor from the rapacity of thieving bankers, is investigating a Democratic city government which contains about the usual percentage of grafters. This development might give Tammany grave concern, if there were a city election coming on next year. But if there were a city election coming on next year, there would probably be no investigation. There is a Presidential election next year, and Tammany can always be depended upon to do its duty by the Republican party in presidential years, so long as the Republican party refrains from earnest activity in city politics. So far as this writer's memory goes — a period of about twenty-five years — this arrangement has been scrupulously adhered to on both sides. There is in New York City no Republican organization which would not give a politician a fatal laughing-fit, if he were asked to consider it seriously — nor is there likely to be a real organization. Republicans want New York's huge electoral vote for President every four years, and Tammany can run the local government in return.

As has been mentioned, it is one of the cardinal prin-

ciples of wise political leadership to abide faithfully by its bargains; and a glance at some of the election figures of recent years will show how loyally the Sachems of Tammany Hall keep faith.

In New York County — the Island of Manhattan — the Democratic party has the only political machinery worthy of the name. In 1920, Cox, the Democratic candidate for the Presidency, received 135,249 votes; and Judge Miller, the Republican candidate for Governor, received 136,580 votes. On the same day, Harding, the Republican candidate for the Presidency, received 275,013 votes; and Alfred E. Smith, the Democratic candidate for Governor, received 268,316 votes. It requires elaborate organization and splendid organization discipline to bring about so exact a division as shown here.

It may be said that the immense personal popularity of Governor Smith had much to do with this result; so we will look at the figures on the City election in the following year. Hylan, the Democratic candidate for Mayor, polled 261,452 votes — a figure exactly in line with the vote for the Democratic Governor and the Republican President in the preceding year. Curran, the Republican candidate for Mayor, polled 124,253 votes.

In 1924 Coolidge carried the Island with a vote of 190,871, although the late Senator La Follette polled nearly a hundred thousand votes. The next year only 108,092 Republican voters were enrolled in New York County. Waterman, the Republican candidate for Mayor, received 98,617 votes against Walker, the Democrat. The Democratic enrollment was 247,008, and the Democratic vote for Walker was 247,079 — a difference of seventy-one votes in a quarter of a million

votes between enrollment and balloting. That is organization.

In 1928, Tammany could not deliver the County to the Republican candidate, but it did its best. Governor Smith, himself a product of Tammany, and a practical idealist with a stainless record, and with a knowledge of the art and the science of government unequalled by any living American, was tremendously popular in his own community; but he polled fifteen thousand votes less than the enrolled party strength in New York County, while Hoover was twenty-four thousand votes over the enrolled Republican strength.

Hoover polled 186,396 votes, and in the following year Congressman LaGuardia, as Republican candidate for Mayor, polled less than half that number and was buried by Mayor Walker, two and a half votes to one. In 1930, Governor Franklin D. Roosevelt defeated the Republican candidate for Governor by almost exactly the same vote, both as to total and proportion.

With this cursory inspection of racketeering machinery in a Democratic city and in a Republican nation today, the writer may end his work. He believes that he has shown that racketeering is as old as the race, that it varies but little, even in method, from one age to another — and that regardless of party, creed, or form of government, it is ingrained in the social fabric of human communities, because it is ingrained in the individuals who are that fabric.

To live without labor is the passionate desire of all of us. It is the recognized badge of intellectual and social distinction. No one wants to be a sap, and only



saps work. The old historian tells us that labor dulls the faculties of the mind. The new scientist announces that those who do useful work are mostly morons. And the President of the United States declares that man in the mass is incapable of thought.

This is the true religion of our race, and the reformer is a heretic. Particularly is the "menace" type of reformer a heretic, and that is why he is invariably attacked with purposeful savagery. He has dug down to the fundamentals. He has stripped the word "reform," itself, to its etymological bones. He wants to *re-form* the human race, because he sees no hope for it in its present form.

The other class of reformers is much more optimistic and prolific. Of the making of plans for the cure of racketeering, there is no end. There are thousands of them, and each inventor is sure that his own cure is new and infallible. The writer has been going through a bushel or two of books and pamphlets and newspaper clippings, all devoted to this end. They are before him now — four or five cubic feet of futility. One man apparently wants to send everybody to jail. Presumably he will guard them himself. Another apparently does not want to send anyone to jail, lest he learn more racketeering tricks in that school. A noted prison reformer believes that more time should be devoted to teaching convicts that crookedness does not pay, but he does not say how he blinds his own senses to the mass of evidence that it does pay. What does not pay is violating criminal statutes so clumsily that one is inextricably caught.

One reformer is in favor of extending the death penalty, as he has never heard that England once ex-

tended it to cover two hundred crimes, and had to stop the whole thing in order to get convictions in the courts. (A jury in the case of a thief who had stolen some thirty dollars in cash returned a verdict which fixed the value of the stolen goods at ten cents, because that was not a hanging offense.) Another is in favor of more rigid "habitual criminal" laws, whereby the chronic offender may be incarcerated for life. He has not noticed that the author of New York's fourth offender law — Senator Baumes, a nice up-state lawyer — is much troubled because his whole plan has gone wrong. Among other results, juries have blandly refused in the face of all the evidence to convict a man of a minor felony, when they knew it was his fourth offense and that conviction meant life imprisonment.

A few reformers are in favor of wide extension and liberalization of the parole system for prisoners, and many others are opposed to the whole idea of the parole system. One or two are in favor of reviving the hideous tortures of the Dark Ages, such as the whipping post. Another wants all work, excepting educational instruction, forbidden in prisons. Several want a board of alienists to decide whether a man is a criminal or not, and how long he should be confined, if at all. (This writer once took lunch with five or six well-known alienists at the dedication of a public institution. It is his conviction that no man in his senses would agree to put fifteen cents into a package of cigarettes on the unanimous recommendation of the six, to say nothing of putting a fellow-man in prison.)

There are scores of schemes for industrial and commercial reorganization, from Communism and Fascism, up and down — if there be any down from those points.

The new plans for the education of the young are without number, and equally without value. The same is true of the myriads of ideas for changing here and there some bit of governmental machinery or of judicial procedure.

One college professor has demonstrated that there are twelve districts in New York City which breed all the local racketeers; but as he will not tell what those districts are, for fear of "affecting property values," it looks as if those unfortunate children would simply have to go on growing up to racket. If it is any comfort to them, this writer can assure them of plenty of company from districts which the professor has overlooked.

A few boys at a New York university have been arrested on charges of forging and selling admission tickets to popular athletic games. Another lad, a high-school boy, has been selling his erudition by substituting in examinations — at so much per examination — for scholars of more humble attainments. He is probably the first human being who has ever made abstract learning pay. The school authorities in Brooklyn recently ordered high-school boys to sign a written oath to the effect that they would at all times "support the government." This is perhaps wise, from the standpoint of established racketeering, as all the present indications are that it will be the plain duty of good citizens of the next generation to knock the Government into a cocked-hat.

What might be called the "Tarrytown plan" is the most reassuring novelty of the day. Tarrytown is a little place on the Hudson River, between New York and Albany. It was the scene of the exposure of the first attempt to betray our country, so it is altogether fitting

that it should also be the scene of the latest. The Mayor, and a minister or two, and some other good people, recently made a survey of the town and found that it contained two brothels, eighteen speakeasies, and three gambling houses — a little above average for the normal American community of that size. The Mayor announced that he intended to clean up — not by wiping out these objectionable places, but by posting on the bulletin board the names of all persons seen going in or out of them (thus aping the fourteenth century Mayor of London in the matter of the racketeering tax-collectors.)

This plan necessitates a close watch on these abodes of evil, and that is where the education of the young comes to the front. It was announced that the Mayor, and the ministers, and the pious folk had turned that duty over to the nice little boys of the town.

Nothing could give a sincere lover of his country a sturdier sense of security for the future than the picture of these smug brats, notebook in hand, snooping around the portals of whore-houses and gin-mills, curiously observing the men who pass in and out, their little imaginations busy with distorted and filthy pictures of what is going on inside. They should grow up into a priceless lot of sneaks and stool-pigeons and sexual perverts.

Doubtless the "Tarrytown plan" will spread. It has the backing of the best people. And Tarrytown is but a microcosm of the Republic of today, which holds the promise of the Republic of tomorrow. This is an excellent plan for bringing about that sort of tomorrow, if that is the sort of tomorrow we want: the day when

the American youth shall at last be wholly without virtue and without valor.

Those who are nearest to a solution are those who declare that we could soon put a stop to all racketeering, if all of us would only obey all of the laws. These reformers are usually found among the writers of "Letters to the Editor." The intellectuals have not yet advanced so far. (A few editors of Prohibition newspapers think that if we were to break every law of God and country to maintain the Volstead Act, everything would be all right; but there are not many of them left.) These hopeful letter-writers would be even farther along on the right track, if they premised their suggestion with the condition that we first repeal nearly all the laws we have made. United States District-Attorney Medalie, of New York, sees no hope in any laws against racketeering, but only in an "awakened conscience."

This solution is very close to the one which the writer now offers. His is, of course, the only sound one; and it is guaranteed, if adopted, to end racketeering instantly. It has the great merit of being quite simple; but it has the one defect of being quite hopeless.

The plan rests on the fine and sound old tradition of our law that guilt is personal. Each one of us is responsible for his own moral conduct. When a man robs a bank, either as a bank-president or as a bank-burglar, he is not a "product of the times," nor is he "yielding to an inevitable economic tendency." He, personally, is simply robbing a bank. He knows this to be quite wrong. Theft has always been wrong and always will be. The same is true of oppression, extortion, slavery, and their by-products, which have filled the annals of the race

with murder and corruption. Right and wrong are immutable, now and forever; and each of us has enough of the remnant of a God-given standard of moral measurement by which to classify each act which we have done, or are about to do.

So the way to end all this rottenness becomes plain to view. All that is necessary is that each one of us, as an individual, highly resolve that he will not do any of these things any more; that each of us will completely reform himself before he goes to work on his neighbor; that we will abandon those timid negatives and prohibitions, which pass for "virtuès," and instead seek virtue, which valiant old Saint Paul had in mind when he spoke of "love, and out of a pure heart; " that we will never, directly or indirectly, rob or exploit the weak and the needy, or take advantage of the misfortunes of others, or do anything unbrotherly or dishonest, whether it is technically legal or not; that we will fight, with arms if necessary, any power under any name which seeks to impair human dignity and human liberty; and that, above all, each of us will thoroughly "sell " this plan of living to himself, and prove it by word and deed, before he tries to sell it to another.

The writer has not much hope of seeing this plan widely adopted in his lifetime, because so far he has not succeeded in selling it to himself. He has been too busy trying to live without labor, so that he might have leisure to browse around among grand old books, and look upon the ways of men and women; and thus, from a free seat at the marvelous pageant of life, beget ideas for more books, which cannot conceivably be classed as useful work.

"I am no better than my father was," groaned the

prophet Elijah, and he prayed for death. All of us who are honest with ourselves would be glad enough to feel that we are no worse than our fathers were. The truth is that only ignorant optimism, or equally ignorant pessimism, makes anyone believe that human nature has changed at all, for the better or the worse, in the past few thousand years. Beyond that point there are no records, and it is all unscientific guesswork.

Elijah had virtue. He was really better than his fathers had been. That is why he was not content merely to feel that he was no worse. And so he had many tremendous hours.

Nearly every one of us, it may be hoped, has had at least one moment in his life when something in the objective world about him has suddenly become endowed with a new and inexplicable power to sweep away the mists of his own iniquity. And for an incomparable moment his whole being swims in a radiance of the spirit, and his own rottenness and selfishness seem childish and trivial things to be put away forever. The moment may turn on a thing of immense import, such as a tale of heroism or the laugh of a girl; or it may be but some mighty and unconsidered trifle — a shaft of sunlight on an ash-can by the curb, a gleam of color on a fire-escape, or the whisper of a stream. But it is ecstasy. The world of common things, of things as common as men and women, becomes almost unbearably dear and unbearably beautiful; and in the same moment comes an overpowering nostalgia for a place we have never known.

Perhaps the hope, if hope there be, is in the multiplication of these moments, if we could but think out the way. For the ecstasy and the homesickness to-



gether seem to mean that man may dwell in a fair country, without rackets and the desire of rackets, but that he must find it without moving. "Here, or nowhere, is your America." And to learn how we may live in it for years of these moments, rather than for these moments in years, is probably more the work of each of us than of all of us.

No new problem for racketeers to solve in a few years, such as a scientific scheme of government or system of economics, will ever take us there. The dogmas and superficialities of science, with their attendant train of dreary kindergarten antics, have long since ceased even to entertain men who try to think. G. K. Chesterton was bored with those performances a generation ago, and Dr. Joseph Wood Krutch writes today of our *Disillusionment With the Laboratory* — the years between becoming more and more thickly dotted with men and women who see nothing to be gained by watching the little witch-fires of science fade out. And in *A New Model For the Universe*, the author, Peter D. Ouspensky, says:

"Contemporary science, by cutting itself off from religion and mysticism, by having set up for itself a definite taboo, has become an accidental and unreliable instrument of thought."

Long ago, Pascal set forth the same conclusion in fewer words:

"We know the truth not only by the reason, but by the heart."

This is the only truth that shall set us free of racketeering. How are we to find it?

## Acknowledgments

THE writer has endeavored always to indicate in the text of this book the more important sources of his special information, as distinguished from general historical background. But a deep sense of obligation impels him to make a more definite acknowledgment of his debt to the *Holy Bible* (King James Version,) Professor William Lyon Phelps' *Human Nature in the Bible*, the *Lives* of Plutarch, the *Annals* of Tacitus, Dr. Jacob C. Burckhardt's *The Civilization of the Renaissance in Italy*, Charles Pendrill's *London Life in the Fourteenth Century*, Macaulay's *Lord Bacon*, Thomas Seccombe's *Lives of Twelve Bad Men*, Professor Gaetano Salvemini's *The Fascist Dictatorship in Italy*, Alva Johnston's articles on racketeering in the *New York Herald Tribune*, May 17-23, 1931, and to the news and editorial columns of the *New York Times* and the *New York World-Telegram*.

